

February 15, 2017

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Kansas Cross-Check Inquiries Coming to the Counties

Since 2013, Georgia has participated as a member of a voter registration cross-check program known as "The Kansas Cross-Check." The goal of this program was to identify voters who might be registered to vote in more than one state and improve the accuracy of voter lists of those states participating in the program. One of the ways of achieving this end is to compare names of people who might be registered in more than one state. As you are aware, there is no single centralized voter registration system that automatically removes a voter from Georgia if they move unannounced to Florida and then register there, or vice-versa.

With large database comparisons, the differences are in the details, and "matches" must be verified and confirmed responsibly and legally before removing a voter from the elector's list.

In the past, Georgia has supplied its voter list to the program and let other states use the data to examine their lists. Now, Georgia is taking a more active role in this process. Going forward, County election/registration office contact information will be provided to out-of-state election officials who are requesting additional voter information on a specific voter believed to be registered in Georgia.

What This Means for the Counties

States have previously requested information from our office that we are simply unable to provide (signatures on absentee ballot application, voter registration applications, other correspondence, etc.) You may get requests from other states for voter information including the information mentioned above. Your response to these inquires is to be made at your discretion. It is our stance that original voter registration applications are not subject to disclosure under the restrictions of O.C.G.A. § 21-2-225(a). I urge you to use secure means to transmit any Personal Identifying Information (PII) if you do respond to these inquires.



What this Doesn't Mean for the Counties

Notifications from another state that they might have a matching voter registration alone is NOT sufficient grounds to remove a voter from the elector list in Georgia. For example, if a person registered in Florida in 2000, and then moved to Georgia and registered to vote in DeKalb County in 2003, and has stayed properly registered in DeKalb County, the fact that the person was never removed from the electors list in Florida is NOT reason to now remove the person from DeKalb County registration even though Florida indicates that there might be a match. Because the Georgia registration came after the Florida registration, Florida may determine that they need to take action with the voter, but that is their prerogative.

If, on the other hand, Gwinnett County gets notice (and confirms!) that one of their voters has registered in Florida two years after they last registered in Gwinnett County, Gwinnett County may decide to hold a hearing or attempt to contact the voter to determine if they are still a Gwinnett County voter. Gwinnett County would still have the responsibility to make sure it met all requirements before removing a voter from the electors list. All of these decisions are still the responsibility of the county in determining whether a voter is still eligible to remain on the list of electors.

If you have questions about inquiries from other states or sources, feel free to contact our office for any clarification we can provide.





February 23, 2017

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Updated Pending Voters Action

Update to Pending Voter Registration Processing

A lawsuit has ended regarding the issue of the handling of voter registration applications that fail to verify with Division of Driver Services (DDS) and Social Security Administration (SSA). Prior to the lawsuit, when a voter registration failed to verify with DDS/SSA, a letter was generated by ENET and mailed to the applicant. If the applicant did not respond to the letter within 40 days, the application was rejected and the voter registration status in ENET was changed to cancelled.

Going forward, as required under the lawsuit, voter registration applications that fail verification will remain in pending status without a time limit. We have updated the failed verification letters generated in ENET to reflect these changes. Please make sure failed verification letters sent to voter applicants are substantively the same as the letter generated in ENET.

A voter in "pending" status can immediately update their status to "active" by providing appropriate verification documentation at your office or at any polling place.

Also pursuant to the lawsuit, we are sending two groups of voter registration applications back through the verification process so that they can be sent the updated failed verification letter. The first group are voter registrations in cancelled status since October 1, 2013 that were cancelled for failing to verify with DDS/SSA. This group is estimated to be about 4,000 voter registrations.

The second group are voter registrations that were already in pending status when the 40 day clock was stopped at the end of September 2016, and who were sent the old failed verification letter. That group is estimated to be about 11,000 voter registrations.



These registrations will be sent back through the verification process later this week, and only those that fail to verify will appear on your dashboards to be timely processed and mailed failed verification letters.

Finally, going forward, please mail failed verification letters within seven (7) business days of the registration application being processed.

I appreciate your cooperation with this updated procedure.

Please feel free to contact me directly if you have any questions.



Page **2** of **2**



March 31, 2017

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: TSX Purchasing Opportunity

Opportunity to Purchase Used TSX Voting Units

We have an opportunity to assist counties or cities purchase *nearly new* TSX DREs from San Diego County, California. These units have been used in one election and have been warehoused and sealed since their initial use.

There are several conditions for purchase, so please consider the following:

Each TSX Unit is priced at \$350 (remember that an additional \$150 license per unit will need to be purchased separately from ES&S.)

How it works:

- 1. Determine how many units your county/city wants
- 2. Contact San Diego County to begin the order and purchase process
- 3. All payments and shipping arrangements will be handled between the ordering county and San Diego County
- 4. All units will be shipped to KSU for acceptance testing and forwarding/pickup by county/city upon completion
- 5. All licenses will be invoiced by ES&S to the purchaser after the sale and delivery

Point of Contact for San Diego County, California:

Richard McCarvell 858-505-6566 Richard.McCarvell@sdcounty.ca.gov





June 28, 2017

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Felon Reporting Changes

Information concerning Probationers and Parolees serving felony sentences, and who are thus ineligible to register to vote or to cast a vote, was recently transferred from the Department of Corrections (DOC) to the Department of Community Supervision (DCS).

Because of this transfer of responsibility, we have had to establish a relationship with this new agency to continue to receive data concerning these individuals. The Secretary of State's office is taking this opportunity to pursue the dual goals of improving the felon identification process and increasing the protection of voter data.

In pursuit of these goals, we have updated the comparison criteria, added new comparison criteria, and scaled back the use of Social Security Number (SSN) to only the last four digits.

This morning you should see a set of potential matches on your dashboard using this updated match process. Please let us know if you notice any irregularities or have any questions.

If you have questions about inquiries from other states or sources, feel free to contact our office for any clarification we can provide.





August 18, 2017

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: NCOA Changes in ENET

The National Change of Address (NCOA) comparison process, which is governed by O.C.G.A. § 21-2-233, was completed last month. Our office has recently implemented some changes that impacted a portion of the voter registration records that were sent NCOA notices.

Voters whose United States Postal Service NCOA information indicated that they changed addresses within the same county have been set to "Active" status, including those records that had their status initially changed to "Inactive" by virtue of your office receiving the NCOA notice back as undeliverable and processing the returned mail. However, if these voters responded to the NCOA notice with updated information such as address updates, name changes, transfers, etc., then all of those changes entered by your office into ENET will remain.

Voters whose USPS NCOA information indicated that they moved to a different county or state and were sent a confirmation notice have not been affected by these changes.





August 18, 2017

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: NVRA and Change of Residency Challenges

The National Voting Registration Act (52 U.S.C. § 20507(d)) limits when a jurisdiction can remove an elector from the voter rolls due to moving outside of the jurisdiction or due to a change of address. The statute prohibits removal unless:

- 1. There is written confirmation of the change in residency by the elector; or
- 2. The NVRA Confirmation Notice Process (NOACT2GE), described in 52 U.S.C. § 20507(d)(2), is followed.

O.C.G.A. § 21-2-228 allows county boards of registration to conduct hearings in order to determine the qualification of electors. O.C.G.A. § 21-2-229 allows electors of the county or municipality to challenge, in writing, the qualifications of any elector who appears on the list of electors. These challenge hearings for qualifications cannot, however, result in a voter being *removed from the list of electors* for any change of address. The NVRA does not prohibit removing an elector from the list of electors for other disqualifications such as citizenship, felony sentence, judicially declared mental incompetence, or insufficient age.

Options for Counties with Knowledge of a Change of Address: If a county has reason to believe a person has changed their address and hasn't updated their voter registration record, it is reasonable for the county to mail the elector a letter at their registered address to let the elector know that the county believes the elector may have moved and for the elector to provide a current address. Usually, the more specific you can be in the letter the better. There can be no consequence if the elector does not respond to the letter as none is provided by law. If the elector completes and returns the letter with a new address, the county now has written confirmation of a change in residency that it can act upon consistent with NVRA. However, if the letter is returned undeliverable, this would begin the "returned mail" list maintenance process and a confirmation notice would be issued to the elector. Because state law specifies instances when confirmation notices are to be sent, a county should not send a confirmation notice outside of the instances in state law (Returned Mail, NCOA, No Contact). Further, there is no current mechanism in eNet for a county to cause a confirmation notice to be printed by the print vendor outside



of those 3 list maintenance processes. If the elector then fails to respond to the confirmation notice as required by law, the elector's status will then become "Inactive."

National Voter Registration Act Citation

52 U.S.C. § 20507(d) Removal of names from voting rolls.

- (1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant--
 - (A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or
 - (B) (i) has failed to respond to a notice described in paragraph (2); and
 - (ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

I encourage you to review this information with your boards and county attorneys and to make sure that any cancellation of voters from the electors lists, or change in status to inactive, is done in compliance with this federal law. I also encourage you to share this information with any municipalities within your county as they prepare for municipal elections in November.





February 7, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: NCOA Changes for Within-County Moves

Due to a recent court case, we have decided to make changes to the list maintenance processes with regard to change-of-address information received from the U.S. Postal Service's National Change of Address database (NCOA) for voters that moved **within the county**. These changes are consistent with the process laid out in O.C.G.A. § 21-2-233(b) for voters that move within their county.

We will be working to improve the NCOA process so that by 2019, there will be an easier way to process NCOA information received regarding voters moving within the county. In the meantime, we need to update certain addresses of "within-county" movers from the 2017 NCOA list maintenance process.

This must be completed by February 20, 2018, at the latest.

Your liaison will email you an excel spreadsheet with the voter registration numbers and the USPS NCOA addresses that need to replace the existing residence addresses of "within-county" movers. The email will have specific instructions on how to accomplish this.

We appreciate your prompt attention in implementing this solution.





OFFICIAL ELECTION INFORMATION

March 16, 2018

TO: County Registrars, Election Directors, and Combined Boards of Elections and

Registration

FROM: Chris Harvey, Director of Elections

RE: Voter Registration Deadline Changed for Federal Runoffs Only

On October 13, 2017, Judge Timothy C. Batten, Sr. signed a federal consent order in which the Secretary of State's Office agreed to re-open voter registration for runoff elections in federal elections only.

The order states:

"The voter-registration deadline for all elections for federal office, including all run-off elections, shall be the close of business on the thirtieth day prior to the election, or the time otherwise prescribed by state, whichever is less. Pursuant to O.C.G.A. § 21-2-14 and § 21-2-224(a), if such deadline should fall on a Saturday, Sunday, or legal holiday, the voter registration deadline shall be the close of business on the following business day."

In the event that a federal runoff is required, voter registration would re-open immediately after a federal election in those counties conducting a federal runoff, and would close thirty days before the federal runoff election. Voters who registered to vote during this time between the federal election and the federal runoff would only be eligible to vote in the immediate federal runoff election (not in state, county, or local runoff elections happening at the same time) but, after the federal runoff, would be fully eligible to vote in all future elections.

This order is permanent unless or until state law is passed that conforms to this standard.

We are prepared to meet the technical challenges should a county face a federal runoff election this year. However, one of the best things each county can do in anticipation of this possibility is to keep their backlog of voter registration applications as low as possible heading into the election and possible runoff.

This year, the voter registration deadline for federal runoff elections only are:

June 25, 2018 is the voter registration deadline for the Primary Federal Runoff on July 24, 2018 (if necessary.)

December 10, 2018 is the voter registration deadline for the Federal General Election Runoff on January 8, 2019 (if necessary.)

The Secretary of State's Office will coordinate details and further instructions for ENET, absentee voting, and Election Day voting for any counties that find themselves facing a federal runoff in the primary or general election.

A complete copy of Judge Batten's order is posted on Firefly with this document under "Official Communications."





March 30, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Spanish Language Voter Registration Applications

As of late 2016, the U.S. Department of Justice has required Gwinnett County, and all cities within Gwinnett County, to provide all election materials, such as ballots, public notices, precinct cards, voter certificates, etc. in the Spanish language. Included in the documents that must be provided to the public for their use in the Spanish language are voter registration applications.

Gwinnett County has printed and is making available to the public voter registration applications in the Spanish language. These applications appear very similar to the voter registration applications printed and provided to the public and county offices by the Georgia Secretary of State's Office, except for the fact that all of the wording is in the Spanish language.

After consultation with the Georgia Attorney General's Office and a review of the National Voter Registration Act, we have determined that federal law requires the acceptance of the Spanish-language voter registration application issued by Gwinnett County if you should receive one in another county.

A Spanish-language voter registration application issued by Gwinnett County should be accepted and processed, as would any other voter registration application received by the county registrar's office. This processing of the Spanish-language voter registration application includes any other regular response from the county office such as sending a precinct card or other regular correspondence required to complete a voter registration application. There is no requirement for any county other than Gwinnett to send any correspondence in Spanish.

If there are any questions regarding this directive, please contact the Secretary of State's Election Division.

Attached to this OEB is a copy of the Gwinnett Spanish-language voter registration application.



SOLICITUD DE INSCRIPCIÓN DE VOTANTE EN EL ESTADO DE GEORGIA

Escriba en la mitad inferior de esta solicitud siguiendo estas instrucciones. Escriba claramente en letra de molde y utilice tinta azul o negra.

- 1. NOMBRE LEGAL. En este formulario se necesita su nombre legal completo, incluyendo cualquier sufijo como Sr., Jr., III.
- 2. **DIRECCIÓN**. Proporcione su dirección de residencia. Esta información es necesaria.
- 3. DIRECCIÓN POSTAL. Si la dirección postal es diferente de su dirección de residencia, llene la sección dirección de postal.
- 4. **DATOS PERSONALES.** Es conveniente que los funcionarios de inscripción tengan un número de teléfono por si tienen alguna pregunta acerca de susolicitud. El sexo y la raza se preguntan y se necesitan para cumplir con la Ley de Derechos al Voto (Voting Rights Act) de 1965, pero que no son requeridospor ley.
- 5. NÚMERO DE IDENTIFICACIÓN DEL VOTANTE. La ley federal exige que usted proporcione su número completo de licencia de conducir de GA o el número de una identificación (ID) expedida por el estado. Si no tiene licencia de conducir o ID de GA, tendrá que proporcionar los últimos 4 números de su Seguro Social. Proporcionar su número completo de seguro social es voluntario. Su número de Seguro Social se tratará con carácter confidencial y solo podrá ser utilizado para fines de comparación con otras bases de datos de agencias estatales para fines de identificación de inscripción de votantes. Si no posee una licencia de conducir de GA o un número de Seguro Social, por favor marque la casilla correspondiente y se le dará un identificador único.
- 6. **JURAMENTO.** La ley federal exige que usted conteste las preguntas sobre su ciudadanía y edad. Lea el juramento y fírmelo. Si no puede llenar esta solicitud sin ayuda por causa de una discapacidad física o no sabe leer, tiene que fírmar o marcar la línea de la firma, y la persona que le ayuda TENDRÁ que firmar en el espacio para la persona que ayuda al votante.
- 7. PREGUNTA DE TRABAJADOR ELECTORAL. Su disposición a ser trabajador electoral no influirá en su solicitud de inscripción.
- 8. CAMBIO DE NOMBRE O DIRECCIÓN. Llene estas secciones para cambiar su nombre o la dirección de su inscripción de votante actual.
- 9. MAPA O DIAGRAMA. Si vive en un área sin nombres de calles o números de casa, favor de incluir un dibujo de su ubicación para ayudarnos a localizar su precinto de votación correspondiente.
- 10. INSTRÚCCIONES DE ENTREGA. Compruebe que haya llenado y firmado la solicitud. Adjunte una copia de su ID si está enviando este formulario por correo e inscribiéndose por primera vez en Georgia. Doble la solicitud por la mitad, retire la cinta adhesiva en la parte superior y presione los bordes uno contra otro. La solicitud está lista para enviarse por correo (franqueo pagado) o entregar en la oficina de inscripción de votantes del condado.
- 11. Usted NO está oficialmente inscrito para votar hasta que esta solicitud sea aprobada. Deberá recibir una tarjeta de votante del distrito electoral por correo. Si no recibe esta confirmación en un plazo de dos a cuatro semanas después de enviar este formulario, por favor póngase en contacto con su oficina de inscripción de votantes del condado. Puede encontrar su centro de votación y más información sobre las elecciones en el sitio web del Secretario de Estado (Secretary of State) en www.sos.state.ga.us/elections.



REOUISITO: Si envía este formulario por correo y se inscribe por primera vez en Georgia, adjunte una copia de uno de los siguientes con su solicitud: Una copia de una identificación (ID) con foto válida y actual, una copia de una factura de servicios actual, estado de cuenta bancaria, cheque del gobierno, cheque de pago u otro documento del gobierno que muestre su nombre y dirección. Los que tienen derecho a votar con boleta de ausente en virtud de la Ley de Votación en Ausencia para Ciudadanos Uniformados y en el Exterior (Uniformed and Overseas Citizens Absentee Voting Act) están exentos de este requisito.

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5	LICENCIA de CONDUCIR VÁLIDA de GA. O NÚM. de ID de GA Si no tiene licencia de conductor o número de ID de GA. tendrá que proporcionar los últimos 4 números de su Seguro Social.						DMPLETO DE SEGURO SOCIAL (OPCIONAL) Ultimos 4 números (obligatorio) Marque si no tiene licencia de conducir de GA., Núm, de ID de GA o Núm. de Seguro Social			
6	La respuesta es obligatoria bajo la ley federal). DECLARO O JURO: ¿Es usted ciudadano de los Estados Unidos de América? Marque una opción Sí No Si selecciona "No" en respuesta a cualquiera de estas preguntas, no llene este formulario. DECLARO O JURO QUE: Resido en la dirección indicada anteriormente. Estoy apto para votar en Georgia. No estoy cumpliendo una condena por haber sido condenado por un delito grave de bajeza moral. No he sido declarado mentalmente incompetente por un jüez. ADVERTENCIA: Toda persona que se inscriba para votar sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no posee las cualificaciones exigidas por ley, que inscriba con otro nombre que no sea el propio, o que a sabiendas de que no pose								que se idas dé ave.	
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April 5, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: SWAB for UOCAVA Ballots

On Firefly under "Official Communications" you can find PDF files of the Statewide Write-In Absentee Ballot (SWAB) for the Democratic and Republican General Primaries and the Nonpartisan General Election that you **must** include with all of your mailed UOCAVA Ballots are available." The SWAB is for use in a runoff election for federal and state offices by eligible UOCAVA voters who live outside the county or municipality.

The **SWAB Instructions** for completing the SWAB and the **SWAB Oath** are in the same folder in Firefly with the SWAB PDFs ("2018 SWABs.")

Please remember, the SWAB, instructions, and return envelopes shall be automatically included with any absentee ballot sent to an eligible UOCAVA voter. If both the regular absentee ballot and the SWAB are received by the registrar within the time period for receiving absentee ballots, the regular absentee ballot shall be counted and the SWAB shall be kept unopened and handled in the same manner as absentee ballots that are returned too late to be counted. O.C.G.A. § 21-2-381.2(f). Please remember that all UOCAVA ballots postmarked by the date of the election, if proper in all other respects, shall be counted if received by the registrar within the 3-day period following the election. O.C.G.A. § 21-2-386.

There are two instructions sheets, (1) the form which the registrar will mail with the regular primary or general election ballot [SWAB-M-06] and (2) the form which the registrar can fax to the voter should he or she be unable to locate the original ballot and instructions [SWAB-F-06]. The SWAB will also be available on the Secretary of State's website. In addition, a SWAB may be faxed or emailed to an eligible UOCAVA voter upon request. The voter may not fax or email the completed ballot back to the voter registration office.

If you have any additional questions, please feel free to contact your county liaison.





April 27, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Correction on AUDIO ONLY Ballot in Democratic Primary

One of the non-binding questions on the Democratic Primary Ballot has an error in the audio of which voters choosing to vote a Democratic audio ballot need to be made aware.

The text of the ballot on the DRE screen is correct.

On the audio ballot only, on the Democratic Ballot, Question #2 ends with the word "Medicare."

The final word on the Democratic audio ballot should be "Medicaid" and NOT "Medicare."

The Democratic audio ballot is read as follows:

"Should Georgia pull down our federal tax dollars to save rural hospitals and create more than fifty thousand jobs by expanding Medicare?"

The Democratic audio ballot should read:

"Should Georgia pull down our federal tax dollars to save rural hospitals and create more than fifty thousand jobs by expanding Medicaid?"

Please provide this information to every voter who chooses to vote an audio ballot in the Democratic Primary.





June 5, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Update to Felon Process in GVRS

The Department of Corrections sends reports to the Secretary of State's office for people serving felony sentences in custody. As reported last year, the Department of Community Supervision now sends separate felon lists for people serving felony sentences on probation and parole. This recent change is a result of broader legislative efforts spearheaded by Governor Nathan Deal for criminal justice reform in Georgia.

With this new change in effect, the Secretary of State's office found that the Department of Community Supervision's data included individuals with special statuses of First Offender, *Nolo Contendere*, and Conditional Discharge. People with statuses for First Offender, *Nolo Contendere*, and Conditional Discharge are eligible to register to vote and cast a ballot.

We have worked diligently with the Department of Community Supervision and the Georgia Crime Information Center to refine the transmission of their data to reflect the appropriate parameters and exclude individuals under special sentencing status. Going forward, you should no longer see any person under one of these special statuses on your GVRS dashboard when our office receives the data and forwards it to you for processing.

You will see an increase in volume on your dashboards as we resume this data transmission. You should continue to process all felon notices in accordance with standard procedures.





June 20, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Recent Supreme Court Decision in Elections Regarding Political Clothing in

Polling Places

As many of you know, the US Supreme Court issued an order on June 14, 2018, declaring unconstitutional Minnesota's law that prohibited people from wearing political badges, buttons, or other insignia inside a polling place on election day. The Court in its opinion said that states have the right to set polling places apart as areas free of partisan discord, but that a "more discernible approach than the one in Minnesota" should be taken. The court approvingly pointed to laws in California and Texas that, like here in Georgia, prohibit wearing apparel that references what is on the specific ballot in the polling place. Therefore, we do not believe this opinion has any impact on our statute in Georgia.

As a reminder, O.C.G.A. § 21-2-414(a) prohibits the distribution or display of campaign material within 150 feet of the polling place building. Campaign material is defined in O.C.G.A. § 21-2-2 as "any newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter referring to:

- (A) A candidate whose name appears on the ballot in a primary or election;
- (B) A referendum which appears on the ballot in a primary or election; or
- (C) A political party or body which has a nominee or nominees on the ballot in a primary or election."

The statute says that written or printed matter (like a sample ballot) used exclusively by the elector to aid in voting is not considered campaign material.

First, keep in mind that the election code does *not* declare that a person wearing campaign apparel or otherwise displaying campaign material may not vote. The person in violation of this law can be asked to remove or cover the campaign material. If they refuse, his or her information should be recorded and provided to the State Election Board through the election division for civil prosecution.



Second, Georgia's definition of campaign material is narrow and only means references to candidates, questions, and political parties/bodies on the ballot in that jurisdiction. All details in any case must be considered in the totality of the circumstances at hand in any specific situation. References to political issues not on the ballot as a question/referendum are permitted. References to political parties or bodies that do not have a candidate on the ballot that day are permitted. It is important to enforce this law as written and not expand its meaning. Such an expansive interpretation is what caused Minnesota's law to be struck down.

As always, I recommend reviewing any poll worker training and policies you have with your county board and/or legal authority if you are unsure of how to direct poll workers in these circumstances. You may contact our office to get guidance as you develop these practices; however, given the many possible scenarios that your poll workers may face, you must develop sound practices and good training and communication to minimize and avoid legal danger.



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July 26, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Suspected Russian Operative Activity

On July 13, Special Counsel Robert Mueller released an indictment that alleges that, on or about October 28, 2016, a suspected Russian operative "visited the websites of certain counties in Georgia, Iowa, and Florida to identify vulnerabilities."

Since the indictment was released, we have been working closely with the Department of Homeland Security to obtain more information. Now that we have more details, we are sharing with you what we have learned.

In 2016, the suspected Russian operative visited two Georgia county webpages. Those counties have been separately notified. There is no evidence that either of the county webpages were compromised as a result of this activity. Both webpages showed general, public information about elections. The federal government does not have information as to what actions the operative took in order "to identify vulnerabilities," but they assume that the operative was conducting research designed to assist future potential operations—for example, looking for email addresses to conduct spear phishing campaigns or attempting to understand what specific technology or processes are used in our election system. The Secretary of State's Office agrees with this assumption.

Georgia's election systems remain secure, and we continue to prioritize our security in this environment. However, I want to remind each of you that, as election officials, you are all high-value targets. Be vigilant. Have a security mindset. Many of you have received physical security assessments from DHS, and the report is that these have been helpful. DHS also offers on-site network security assessments. On-site security assessments can be requested through ncciccusomterservice@hq.dhs.gov. The wait time for the network security assessments through DHS can be lengthy. Private sector vendors are also available without a lengthy wait. If your county wants to do a physical security or network security assessment, I will discuss the process with you and offer any support that our office can provide.





July 30, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Two Factor Authentication Security for ENET

As part of our continued efforts to ensure the security of the voter registration system, we are activating Two Factor Authentication for all users attempting to access the ElectioNet system beginning on Monday, July 30, 2018 at 3:30 PM. This means that after that time, all ENET users will be required to enter their password and enter an authentication code sent to their mobile number or email account when they log into the system. Detailed instructions on ElectioNet's Two Factor Authentication can be found of Firefly under Training > GVRS - eNet – ElectioNet > "Two Factor Authentication Instruction Guide." You are encouraged to review these training materials as soon as possible.

In preparation for the implementation of Two Factor Authentication in ElectioNet, we have added the ability to associate a mobile number with your eNet account. To add a mobile number to your eNet account, navigate to the My Homepage screen by selecting the icon in the top left corner of the screen labeled "My Homepage" or navigate to System > My Homepage. On this page, you can update your information by selecting the "Modify Information" button at the bottom of the screen. Be sure to select the "Save Information" button before leaving the page so that your mobile number is retained by the system.

Once you have entered a mobile number, you will notice a verify button beside your mobile number and email account. Selecting this button will send a link to your email or mobile number that allows you to verify that you have entered your information correctly. This step is required before you will be able to receive a code using that delivery method. All users are encouraged to add a mobile number to their account and verify their mobile number and email as soon as possible. Once Two Factor Authentication is activated, failure to have verified your account will result in denial of access to ENET.







August 1, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Response to Coalition for Good Governance Communication

Dear County Commissioners and Officials,

I am writing to you as the State of Georgia's Elections Director, a position I have held since July 2015. From August 2007 until July 2015, I was the Chief Investigator and Deputy Inspector General for the Secretary of State's office, investigating, among other items, potential violations of state election law. For over a decade, it has been my job to be intimately familiar with both Georgia election law, systems, processes, and procedures.

Before joining the Secretary of State's office, I was the Director of the Cold Case Homicide Unit with the Fulton County District Attorney's office where I investigated previously unsolved homicides. Prior to that role, I was the Chief Investigator with the DeKalb County District Attorney's Office where I led investigations in all crimes, including public corruption. Over my career in law enforcement, it has been my intention to serve Georgia by promoting public safety, security and fidelity to the law.

Throughout my tenure at the Secretary of State's office, election security has been a top priority for me personally, as it is for the entire Secretary of State's office and county election officials. Now more than ever, and especially since the election of 2016, voting security is featuring more prominently as a topic of national conversation. However, it has been a way of life in the Secretary of State's office for far longer. I write to you today to explain some of the protections that we, along with county election officials, have in place to ensure that Georgia's elections are secure and ask for your assistance in continuing to ensure secure elections in our state.

Elections in Georgia are a partnership between the state and the counties. County election officials run elections while the Secretary of State's office maintains the voter registration database and provides support to the counties. We work with your county election officials every day, and these hard-working public servants are truly the linchpin of our democracy.

Long before the public spotlight turned to the realm of elections, we recognized the real threat of people and entities - both foreign and domestic – seeking to interfere with our electoral process.



To combat this threat, we work with federal, state, local, and private sector partners every day, and we are continually adding additional levels of both cyber and physical security to Georgia's election system. It is our duty to provide Georgians with the opportunity to vote on a secure and reliable voting system, which we regularly test to ensure ongoing compliance with state law and State Election Board rules.

Georgia's election system consists of many components, including the voter registration system, election management system, voting machines, and election night reporting website. Strict security mechanisms surround each component. These safeguards include, but are not limited to, frequent password changes, brute force and inactivity account disabling, and two-factor authentication. Many people are pleasantly surprised to hear that Georgia builds its encrypted ballot databases on machines which are never connected to the internet—a safeguard which many other states have not yet implemented. We also deploy cybersecurity protections, secure armed transport of election materials, and physical security for our voting machines. Your county election officials are familiar with these processes and treat them with the utmost importance.

Recently, some county boards have received communications from parties who filed a federal lawsuit against Georgia to stop the use of voting machines – Direct Recording Electronic (DRE) equipment – and demand hand-counted paper ballots. In these communications to you, they mistakenly cite a state law which was superseded by a newer law for the assertion that counties can unilaterally elect to stop using DRE voting equipment. Their assertion is not an accurate statement of Georgia law.

In 2003, Georgia moved to a state-wide, unified system in 2003. O.C.G.A. § 21-2-300 (a) states, "Provided that the General Assembly specifically appropriates funding to the Secretary of State to implement this subsection, the equipment used for casting and counting votes in county, state, and federal elections shall, by the July, 2004, primary election and afterwards, be the same in each county in this state and shall be provided to each county by the state, as determined by the Secretary of State." Further, O.C.G.A. § 21-2-381 requires absentee in-person ballots (early voting) to be on a DRE and O.C.G.A. § 21-2-379.7, which requires at least one DRE unit accessible to handicapped voters to be placed in each precinct, and State Election Board rules align with both of these statutes.

There are some who believe that because the current DRE machines are fully electronic, there is no way to verify that voter selections match the vote count's output. This belief is not true. There are numerous ways to ensure that our voting machines are accurately counting votes, and election officials test and demonstrate the accuracy of these machines through logic and accuracy testing before every single use. Last year, the state also conducted a re-examination of the voting machines to ensure accuracy. In each of the three selected counties, each machine's output exactly matched its input on simulated election day conditions. Furthermore, on election days in 2018, the Secretary of State's office conducts parallel testing, which means we take an actual county's ballot database and run a mock election to ensure that output matches the ballot selections. In each instance, the machine's output has exactly matched the selections. We have never taken accuracy for granted. It is constantly tested and re-tested.

There is a provision of Georgia law that allows the state to move to paper ballots in the event that the machines are "inoperable or unsafe." If we ever reach a point where our office feels that these

Page **2** of **3**



machines cannot be trusted to accurately deliver election results, we will invoke this statutory provision. To this day, there is no credible evidence that our election process is anything except secure and accurate.

While we are confident in the integrity of our elections, we remain vigilant and committed to ensuring that the confidence of Georgia voters in their elections and government is well-deserved. The Secretary of State's commitment to constant vigilance is why we have supported a move towards a new voting system to replace the current, aging system in a responsible fashion. This year, Secretary Kemp appointed the bi-partisan Secure, Accessible, and Fair Elections (SAFE) Commission, which consists of numerous county election officials, legislators, election law experts, a cybersecurity expert, and an accessibility expert. The SAFE Commission, working with our office, will present recommendations to the General Assembly by this January on how to responsibly move to a new system.

As county officials, we recognize the role that you play in keeping our system secure and accurate. The Secretary of State's Office values our county partners who work hand-in-hand with county elections boards and officials to run Georgia's elections. Thank you for your continued support and dedication to secure elections in Georgia. Please feel free to contact me directly with any questions.

Sincerely,

Chris Harvey

State Elections Director



Page 3 of 3



August 9, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Physical Security Assessments Offered by Dept. of Homeland Security

This is a reminder and an encouragement for election officials to consider contacting the U.S. Department of Homeland Security (DHS) to conduct a Physical Security Assessment (PSA) on your election offices, storage facilities, or other locations in your county where election equipment or infrastructure is used or stored.

The PSAs are conducted at no cost to your county or office and can be completed in a few hours. You will be provided with suggestions for improvements to your already existing security systems and protocols.

Many counties of various sizes and resources have already taken advantage of this program, and I have heard very positive feedback about the process and interaction with DHS on these PSAs.

Dennis Mott, from DHS, is looking forward to hearing from all counties that are interested in completing a PSA in the lead-up to the 2018 General Election.

Please contact Dennis Mott directly by phone at **202-407-2793** or by email at <u>dennis.mott@hq.dhs.gov</u>

If you have questions about these PSAs or other security issues, please contact me directly.





August 14, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Errors on Absentee Ballot Applications

Recently, it came to our attention that pre-printed absentee ballot applications were mailed to approximately 30,000 voters in Georgia. The application required the voter to provide a date of birth and a valid signature before sending the application to the county election or registration office. The application also listed a "state voter ID" with a number unique to each voter.

On Friday night last week, August 10, 2018, I was contacted by the group which mailed the applications and they told me that they intended that the "state voter ID" to be the state-assigned voter registration number for the addressed voter. However, when the mailings were printed, an error resulted in the "state voter ID" number being replaced with a number that was not the state-issued voter registration information. In short, the "state voter ID" did not match the voter whose name printed on the application.

While it is ultimately the responsibility of the county registrar or elections office to determine the validity of each absentee ballot application in accordance with law and SEB Rules, the inclusion of unnecessary information that is not accurate does not require that the application be rejected. O.C.G.A. 21-2-381(a)(1)(C) requires,

"The application shall be in writing and shall contain sufficient information for proper identification of the elector; the permanent or temporary address of the elector to which the absentee ballot shall be mailed; the identity of the primary, election, or runoff in which the elector wishes to vote; and the name and relationship of the person requesting the ballot if other than the elector."

Further, O.C.G.A. 21-2-381(b)(1) requires,

"The registrar or absentee ballot clerk shall determine, in accordance with the provisions of this chapter, if the applicant is eligible to vote in the primary or election involved. In order to be found eligible to vote an absentee ballot by mail, the registrar or absentee ballot clerk shall



compare the identifying information on the application with the information on file in the registrar's office and, if the application is signed by the elector, compare the signature or mark of the elector on the application with the signature or mark of the elector on the elector's voter registration card..."

If you have questions about this situation, please contact the Secretary of State's Office.



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August 17, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Phishing Attempt

On 08-17-18, at approximately 11:12 AM, the Secretary of State's anti-phishing defenses identified an email that appeared to come from Nancy Boren, Muscogee County Election Director. The email offered an opportunity to shop at Walmart and a link for the recipient to click. Our office immediately contacted Nancy Boren directly and confirmed that she had not sent the email. She had already been alerted to the suspicious email and was working with her IT office to investigate the situation.

Our office activated our incidence response plans and immediately coordinated investigative and protective efforts with all of our security partners, including those in the federal government. Our office contacted Dept. of Homeland Security and MS-ISAC to advise them of the situation, and we took additional measures to make sure that ENET was secure. In addition, we sent out Buzz Posts and emails to county election officials to be on the alert for that or any other suspicious emails.

Muscogee County IT is working with the Department of Homeland Security and MS-ISAC to determine the nature and source of the apparent phishing attempt. Early indicators are that this was not specifically targeting the Muscogee County Elections Office.

This is a timely reminder that email phishing attempts remain one of the more popular and effective methods of cyber attack. It is imperative that all county offices train their employees on the nature of email phishing attempts and to exercise great care when interacting with email, especially email with embedded links or attachments. The additional security features added to ENET, such as two-factor authentication, continue to provide protection for ENET and other cyber systems, but the individual user still must use consistent caution when interacting with others through email and other cyber communications.

If you have questions about this situation, please contact the Secretary of State's Office.





September 6, 2018

TO: County Election Superintendents

FROM: Chris Harvey, Elections Division Director

RE: 2018 Summary of Proposed Constitutional Amendments

Please find attached the official Summary of the Proposed Constitutional Amendments and Statewide Referendum Questions that will be on the General Election ballot to be held on November 6, 2018. O.C.G.A. § 21-2-4(c) says, "Each county election superintendent shall distribute a copy of the summary as made available by the Secretary of State in her discretion, to any interested citizen on request."

The Secretary of State's Office is issuing a press release, in accordance with this code section, informing the media that such materials will be available at each county election superintendent's office.

The Summary is also available in the Downloads section of Firefly and on the Secretary of State's website: http://sos.ga.gov/index.php/elections/proposed_constitutional_amendments



PROPOSED

CONSTITUTIONAL AMENDMENTS

AND

STATE-WIDE REFERENDUM QUESTIONS

GENERAL ELECTION

NOVEMBER 6, 2018

Constitutional Amendments 1-5 Summaries of Amendments and State-wide Referendum Questions A and B



This booklet contains copies of the five proposed amendments to the Constitution in their entirety. These amendments will be submitted at the general election on November 6, 2018. As required by the Constitution, these proposed amendments in their entirety are on file in the office of the judge of the probate court in each county and are available for public inspection. This booklet also includes summaries of the five proposals as prepared by Attorney General Christopher Carr, Secretary of State Brian P. Kemp, and Legislative Counsel Rick Ruskell and published in the newspaper which is each county's official legal organ. In addition, summaries of the two state-wide referendum questions prepared by Secretary of State Brian P. Kemp are included.



CONSTITUTIONAL AMENDMENTS 1-5



-1-

House Resolution No. 238 Resolution Act No. 414 Ga. L. 2018, p. 1138

A RESOLUTION

the revenue derived from the III, Paragraph II(a). state sales and use tax with respect to goods and services collected by sporting goods The above proposed amendment for ratification or rejection; and following: for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article III, Section IX, Paragraph VI of the Constitution is amended by adding a new subparagraph to read as follows:

"(p) The General Assembly is authorized to provide by general law that up to 80 percent of all moneys received by the state from the levy of a tax on the sale and use of goods and services, as defined by general law, collected by establishments classified under the 2007 North American Industry Classification Code 451110, sporting goods stores, in the immediately preceding fiscal year will be paid into and dedicated to the Georgia Outdoor Stewardship Trust Fund for the purpose of protecting and preserving conservation land, as more specifically provided for by general law. Any general law adopted pursuant to this Paragraph shall provide for automatic repeal not more than

ten years after its effective date, provided that such repeal date may be extended for a maximum of ten additional years. The revenues dedicated pursuant to this subparagraph shall not lapse, All persons desiring to vote in manner provided by law. the provisions of Article III, favor of ratifying the proposed Magistrate courts, probate courts, Section IX, Paragraph IV(c) to Proposing an amendment to the the contrary notwithstanding, and Constitution so as to authorize such revenues shall not be the General Assembly to provide subject to the limitations of by general law for an annual subparagraph (a) of this allocation of up to 80 percent of Paragraph or Article VII, Section

SECTION 2.

stores a trust fund to be used for to the Constitution shall be the protection and preservation of published and submitted as conservation land; to provide for provided in Article X, Section I, House Resolution No. 993 sunset provisions in authorized Paragraph II of the Constitution. Resolution Act No. 410 general laws; to provide for The ballot submitting the above Ga. L. 2018, p. 1130 related matters; to provide for the proposed amendment shall have submission of this amendment written or printed thereon the

> "() YES () NO

Georgia rivers, lakes, and streams; to protect forests, fish, GEORGIA: wildlife habitats, and state and local our children and families to play and enjoy the outdoors,

tax rate?"

amendment shall vote "Yes." juvenile courts, and state courts All persons desiring to vote shall be courts of limited against ratifying the proposed jurisdiction. In addition, the amendment shall vote "No." If General Assembly may establish such amendment shall be ratified or authorize the establishment of as provided in said Paragraph of municipal courts and may the Constitution, it shall become authorize administrative agencies a part of the Constitution of this to exercise quasi-judicial powers. state.

- 2 -

A RESOLUTION

Without increasing Proposing an amendment to the not be subject to the provisions of the current state Constitution so as to create a this article. sales tax rate, shall state-wide business court with Assembly shall have the the Constitution of state-wide jurisdiction for use authority to confer 'by law' be under certain circumstances; to jurisdiction upon municipal amended so as to provide for venue, jurisdiction, courts to try state offenses. create the Georgia and powers; to provide for Fund to conserve business court judges: to provide system. lands that protect for the submission of this water quality of matters; and for other purposes.

SECTION 1.

opportunities for II, III, IV, and VII as follows:

"SECTION I. JUDICIAL POWER

Paragraph I. Judicial power created. by dedicating, of the state. The judicial power

stores to such Court of Appeals, and Supreme purposes without Court. Nothing in this paragraph increasing the shall preclude a superior court current state sales from creating a business court division for its circuit in a Municipal courts shall have jurisdiction over ordinance violations and such other jurisdiction as provided by law. Except as provided in this Paragraph and in Section X, municipal courts, county recorder's courts, and civil courts in existence on June 30, 1983. and administrative agencies shall The General

Paragraph II. Unified judicial O u t d o o r selection, terms, and system. All courts of the state Stewardship Trust qualifications of state-wide shall comprise a unified judicial

Paragraph III. Judges; drinking water amendment for ratification or exercise of power outside own sources and the rejection; to provide for related court; scope of term 'judge.' Provided the judge is otherwise qualified, a judge may exercise BE IT RESOLVED BY THE judicial power in any court upon and conserve GENERAL ASSEMBLY OF the request and with the consent of the judges of that court and of the judge's own court under rules prescribed by law. The term parks; and to Article VI of the Constitution is 'judge,' as used in this article, p r o v i d e amended by revising Sections I, shall include Justices, judges, senior judges, magistrates, and every other such judicial office of whatever name existing or

Paragraph IV. Exercise of subject to full of the state shall be vested judicial power. Each court may public disclosure, exclusively in the following exercise such powers as up to 80 percent of classes of courts: magistrate necessary in aid of its jurisdiction the existing sales courts, probate courts, juvenile or to protect or effectuate its tax collected by courts, state courts, superior judgments; but only the superior sporting goods courts, state-wide business court, and appellate courts and



have the power to issue process venue lies elsewhere. in the nature of mandamus. prohibition, performance, quo warranto, and rules of evidence shall be as separation of the parties, and in such county. injunction. Each superior court, prescribed by law. state court, and other courts of record and the state-wide for pilot projects. The General business court may grant new Assembly may by general law trials on legal grounds.

jurisdiction, powers, etc. Except house enact legislation providing as otherwise provided in this for, as pilot programs of limited Constitution, the courts of each duration, courts which are not class shall have uniform uniform within their classes in jurisdiction, powers, rules of jurisdiction, powers, rules of practice and procedure, and practice and procedure, and selection, qualifications, terms, selection, qualifications, terms, and discipline of judges. The and discipline of judges for such provisions of this Paragraph, as pilot courts and other matters related to the state-wide business relative thereto. Such legislation court, shall be effective as shall name the political provided by law.

Paragraph VI. circuits; courts in each county; in addition to any other power, court sessions. The state shall be grant to such court created as a divided into judicial circuits, each pilot program the power to issue of which shall consist of not less process in the nature of than one county. Each county mandamus, prohibition, specific shall have at least one superior performance, quo warranto, and court, magistrate court, a probate injunction. court, and, where needed, a state Assembly shall provide by court, a juvenile court, and a general law for a procedure for business court division of submitting proposed legislation superior court. Assembly may provide by law the Judicial Council of Georgia that the judge of the probate court or its successor. Legislation may also serve as the judge of the enacted pursuant to this maker, endorser, etc. magistrate court. In the absence Paragraph shall not deny equal of a state court or a juvenile protection of the laws to any court, the superior court shall person in violation of Article I, Superior courts shall hold court at Constitution. least twice each year in each county.

Paragraph VII. Judicial law changed. judgeships; but no circuit shall which the plaintiff resides; consist of less than one county.

cases. Any court shall transfer to residence of the plaintiff if the

state-wide business court shall determines that jurisdiction or from the date of the filing of the crime was committed, except

Paragraph IX.

Paragraph X. Authorization approved by a two-thirds' Paragraph V. *Uniformity of* majority of the members of each subdivision, judicial circuit, and **Judicial** existing courts affected and may, The General The General relating to such pilot programs to

SECTION II. VENUE

Paragraph I. Divorce cases. circuits, courts, and judgeships, Divorce cases shall be tried in the circuits and courts and of this state, then in the county in provided, however, a divorce Paragraph VIII. *Transfer of* case may be tried in the county of

provided, further, that any person who has been a resident of any third-party practice. military reservation.

shall be tried in the county where party. the land lies, except where a shall have jurisdiction.

county where a defendant resides law. against whom substantial relief is prayed.

either county.

Paragraph V. Suits against section. against the maker and endorser of promissory notes, or drawer, acceptor, and endorser of foreign like instruments, residing in *jurisdiction*. acceptor resides.

consolidate, or modify judicial if the defendant is not a resident otherwise be provided by the uniformity. Juvenile Court Code of Georgia, shall be tried in the county where state-wide business court. The the defendant resides; venue as state-wide business court shall to corporations, foreign and have state-wide jurisdiction as domestic, shall be as provided by provided by law. the appropriate court in the state defendant has moved from that law; and all criminal cases shall any civil case in which it same county within six months be tried in the county where the

divorce action and said county cases in the superior courts where Rules of was the site of the marital the judge is satisfied that an specific evidence; law prescribed. All domicile at the time of the impartial jury cannot be obtained

> Paragraph VII. The United States army post or General Assembly may provide military reservation within the by law that venue is proper in a State of Georgia for one year county other than the county of next preceding the filing of the residence of a person or entity petition may bring an action for impleaded into a pending civil divorce in any county adjacent to case by a defending party who said United States army post or contends that such person or entity is or may be liable to said Paragraph II. Land titles. defending party for all or part of Cases respecting titles to land the claim against said defending

> Paragraph VIII. single tract is divided by a change venue. The power to county line, in which case the change the venue in civil and superior court of either county criminal cases shall be vested in the superior courts to be Paragraph III. Equity cases. exercised in such manner as has Equity cases shall be tried in the been, or shall be, provided by

> Paragraph IX. Venue of state-wide business court. All Paragraph IV. Suits against cases before the state-wide joint obligors, copartners, or business court may conduct joint trespassers. Suits against pretrial proceedings in any joint obligors, joint tort-feasors, county as provided by law. Any joint promisors, copartners, or trial of a case that is before the joint trespassers residing in state-wide business court shall different counties may be tried in take place in the county as is otherwise prescribed by this

SECTION III. CLASSES OF COURTS OF LIMITED JURISDICTION

Paragraph I. Jurisdiction of exercise that jurisdiction. Section I, Paragraph II of this or inland bills of exchange, or classes of courts of limited The magistrate, different counties, shall be tried juvenile, and state courts shall in the county where the maker or have uniform jurisdiction as provided by law. Probate courts Paragraph VI. All other cases. shall have such jurisdiction as The General county where the defendant All other civil cases, except now or hereafter provided by Assembly may abolish, create, resides, if a resident of this state; juvenile court cases as may law, without regard to

Paragraph II. Jurisdiction of



SECTION IV. SUPERIOR COURTS

Paragraph I. Jurisdiction of superior courts. The superior courts shall have jurisdiction in all cases, except as otherwise provided in this Constitution. They shall have exclusive jurisdiction over trials in felony cases, except in the case of juvenile offenders as provided by law; in cases respecting title to land; and in divorce cases. They shall have concurrent jurisdiction with the state-wide business court in equity cases. A superior court by agreement of the parties may order removal of a case to the state-wide business court as provided by law. The superior courts shall have such appellate jurisdiction, either alone or by circuit or district, as may be provided by law.

SECTION VII. SELECTION, TERM, COMPENSATION, AND DISCIPLINE OF **JUDGES**

Paragraph I. Selection; term of office. (a) All superior court and state court judges shall be elected on a nonpartisan basis for a term of four years. All Justices of the Supreme Court and the Judges of the Court of Appeals shall be elected on a nonpartisan basis for a term of six years. The terms of all judges thus elected shall begin the next January 1 after their election. All other judges shall continue to be selected in the manner and for the term they were selected on June 30, 1983, until otherwise provided by local law.

(b) All state-wide business court judges shall serve a term of five years; provided, however, that the initial term of such judges shall be as provided by Such judges shall be appointed by the Governor, subject to approval by a majority vote of the Senate Judiciary Committee and a majority vote of the House Committee on Judiciary. Such judges may be

reappointed for any number of consecutive terms as long as he service of appointees. or she meets the qualifications of appointment at the time of each appointment and is approved as required by this subparagraph. The state-wide business court shall consist of the number of judges as provided for by law. For purposes of qualifications, state-wide business court judges geographical area of this state.

Paragraph II. *Qualifications*. (a) Appellate, superior, and state-wide business court judges practice law for seven years.

- (b) State court judges shall have been admitted to practice law for seven years, provided that this requirement shall be five years in the case of state court judges elected or appointed in the year 2000 or earlier. five years.
- (b.1)State-wide business qualifications as provided by
- (c) Probate and magistrate judges shall have such qualifications as provided by
- they are selected to serve.
- (e) The General Assembly may provide by law for additional qualifications, including, but not limited to, minimum residency requirements.

Paragraph III. Vacancies. Vacancies shall be filled by except as otherwise provided by law in the magistrate, probate, and juvenile courts. Vacancies in the state-wide business court shall be filled by appointment of the Governor, subject to approval as specified in subparagraph (b) of Paragraph (I) of this section.

Paragraph IV. Period of appointee to an elective office retirement of judges. (a) Any appointment.

shall be deemed to serve the and allowances of judges. All turpitude, or for conduct judges shall receive prejudicial to the administration compensation and allowances as of justice which brings the provided by law; county judicial office into disrepute. supplements are hereby Any judge may be retired for shall have been admitted to continued and may be granted or disability which constitutes a changed by the General serious and likely permanent Assembly. authorities which had the of the duties of office. authority on June 30, 1983, to Supreme Court shall adopt rules make county supplements shall of implementation. continue to have such authority under this Constitution. incumbent's salary, allowance, or state or by a grand jury of the Juvenile court judges shall have supplement shall not be United States of any judge, the been admitted to practice law for decreased during the incumbent's Attorney General or district term of office.

Paragraph VI. court judges shall have such Qualifications Commission; Judicial Qualifications power; composition. (a) The Commission. The commission (d) All judges shall reside in Commission, with such the administration of the office of the geographical area in which commission having the power to the indicted judge and that the

- appointment of the Governor Judicial Qualifications which such judge was elected review by the Supreme Court.
 - abolished.

Paragraph VII. Discipline, An removal, and involuntary shall serve until a successor is judge may be removed, duly selected and qualified and suspended, or otherwise until January 1 of the year disciplined for willful misconduct following the next general in office, or for willful and election which is more than six persistent failure to perform the months after such person's duties of office, or for habitual intemperance, or for conviction Paragraph V. Compensation of a crime involving moral County governing interference with the performance

(b)(1) Upon indictment for a An felony by a grand jury of this attorney shall transmit a certified Judicial copy of the indictment to the General Assembly shall by shall, subject to subparagraph general law create and provide (b)(2) of this Paragraph, review for the composition, manner of the indictment, and, if it appointment, and governance of determines that the indictment a Judicial Qualifications relates to and adversely affects discipline, remove, and cause rights and interests of the public involuntary retirement of judges are adversely affected thereby, as provided by this Article. the commission shall suspend the Appointments to the Judicial judge immediately and without Qualifications Commission shall further action pending the final be subject to confirmation by the disposition of the case or until the Senate as provided for by general expiration of the judge's term of office, whichever occurs first. (b) The procedures of the During the term of office to Commission shall comport with and in which the indictment due process. Such procedures occurred, if a nolle prosequi is and advisory opinions issued by entered, if the public official is the Judicial Qualifications acquitted, or if after conviction Commission shall be subject to the conviction is later overturned as a result of any direct appeal or (c) The Judicial Qualifications application for a writ of Commission which existed on certiorari, the judge shall be June 30, 2017, is hereby immediately reinstated to the office from which he was



suspended. While a judge is suspended under this subparagraph and until initial conviction by the trial court, the judge shall continue to receive the compensation from his office. After initial conviction by the subparagraph shall not apply to trial court, the judge shall not be entitled to receive the compensation from his office. If the judge is reinstated to office, he shall be entitled to receive any compensation withheld under the provisions of this subparagraph. For the duration of any suspension under this subparagraph, the Governor shall appoint a replacement judge. Upon a final conviction with no appeal or review pending, the office shall be declared vacant and a successor to that office shall be chosen as provided in this Constitution or the laws any judge for any felony in a enacted in pursuance thereof.

- (2) The commission shall not review the indictment for a period of 14 days from the day the indictment is received. This period of time may be extended by the commission. During this period of time, the indicted judge may, in writing, authorize the commission to suspend him from Any such voluntary suspension shall be subject to the same conditions for review, reinstatement, or declaration of vacancy as are provided in this subparagraph for a nonvoluntary suspension.
- (3) After any suspension is imposed under this subparagraph, the suspended judge may petition the commission for a review. If the commission determines that the judge should no longer be suspended, he shall immediately be reinstated to office.
- (4)(A) The findings and records of the commission and the fact that the public official has or has not been suspended shall not be admissible in evidence in any court for any purpose.

- records of the commission shall not be open to the public except as provided by the General Assembly by general law.
- (5) The provisions of this any indictment handed down prior to January 1, 1985.
- (6) If a judge who is suspended from office under the provisions of this subparagraph is not first tried at the next regular or special term following the indictment, the suspension shall be terminated and the judge shall be reinstated to office. The judge shall not be reinstated under this provision if he is not so tried based on a continuance granted upon a motion made only by the defendant.
- (c) Upon initial conviction of trial court of this state or the United States, regardless of whether the judge has been suspended previously under subparagraph (b) of this Paragraph, such judge shall be immediately and without further action suspended from office. While a judge is suspended from office under this subparagraph, he shall not be entitled to receive the compensation from his office. If the conviction is later overturned as a result of any direct appeal or application for a writ of certiorari, the judge shall be immediately reinstated to the office from which he was suspended and shall be entitled to receive any compensation withheld under the provisions of this subparagraph. For the this subparagraph, the Governor shall appoint a replacement judge. Upon a final conviction with no appeal or review pending, the office shall be declared vacant and a successor to that office shall be chosen as provided in this Constitution or thereof. The provisions of this state.

(B) The findings and subparagraph shall not apply to any conviction rendered prior to January 1, 1987.

> Paragraph VIII. Due process; Resolution Act No. 297 review by Supreme Court. No Ga. L. 2018, p. 1127 action shall be taken against a judge except after hearing and in accordance with due process of law. No removal or involuntary Proposing an amendment to the retirement shall occur except Constitution so as to revise upon order of the Supreme Court provisions subclassifying forest after review.

SECTION 2.

following:

for the appointment process for court judges in order GEORGIA: to lower costs, improve t h e certain complex read as follows: business disputes for

state?"

House Resolution No. 51

A RESOLUTION

land conservation use property for ad valorem taxation purposes; to revise the prescribed The above proposed amendment methodology for establishing the to the Constitution shall be value of forest land conservation published and submitted as use property and related provided in Article X, Section I, assistance grants; to permit Paragraph II of the Constitution. increases to assistance grants by The ballot submitting the above general law up to a five-year proposed amendment shall have period; to permit the deduction written or printed thereon the and retention of a portion of assistance grants related to forest "() YES Shall the Constitution land conservation use property: () NO of Georgia be to permit the subclassification of amended so as to qualified timberland property for create a state-wide ad valorem taxation purposes; to business court, provide for related matters; to authorize superior provide for the submission of this court business court amendment for ratification or divisions, and allow rejection; and for other purposes.

> BE IT RESOLVED BY THE state-wide business GENERAL ASSEMBLY OF

SECTION 1.

efficiency of all Article VII, Section I, Paragraph courts, and promote III of the Constitution is amended predictability of by revising subparagraph (f) and judicial outcomes in by adding a new subparagraph to

General The (f)(1)the benefit of all Assembly shall provide by citizens of this general law for the definition, methods of assessment, and duration of any suspension under All persons desiring to vote in taxation, such methods to include favor of ratifying the proposed a formula based on current use, amendment shall vote "Yes." annual productivity, and real All persons desiring to vote property sales data, of forest land against ratifying the proposed conservation use property' to amendment shall vote "No." If include only forest land of at such amendment shall be ratified least 200 acres in aggregate as provided in said Paragraph of which lies within one or more the Constitution, it shall become counties, provided that such the laws enacted in pursuance a part of the Constitution of this forest land is in parcels of at least



100 acres within any given county.

- (2)(A) Any individual or individuals or any entity registered to do business in this state desiring the benefit of such methods of assessment and taxation for forest land conservation use property shall be required to enter into a covenant to continue the property in forest land use.
- (B) All contiguous forest land conservation use property of an owner within a county for which forest land conservation use assessment is sought under this subparagraph shall be in a single covenant.
- (C) A breach of such covenant within ten years shall result in a recapture of the tax savings resulting from such methods of assessment and taxation and may result in other use value causes an ad valorem appropriate penalties.
- (D) The General Assembly may provide by general law for a limited exception to the 200 acre requirement in the case of a transfer of ownership of all or a part of the forest land conservation use property during a covenant period to another owner qualified to enter into an original forest land conservation use covenant if the original covenant is continued by both such acquiring owner and the transferor for the remainder of the term, in which event no breach of the covenant shall be deemed to have occurred even if the total size of a tract from which the transfer was made is reduced below 200 acres.
- (3) No portion of an otherwise eligible tract of forest land conservation use property shall be entitled to receive simultaneously special assessment and taxation under this subparagraph and either subparagraph (c) or (e) of this Paragraph.

- (4)(A)amount for assistance grants to counties, municipalities, and county and independent school reduction amount. districts to offset revenue loss attributable tο implementation of subparagraph. Such grants shall be made in such manner and shall be subject to such procedures as may be specified by general law. For the years 2019, 2020, 2021, 2022, and grants may be increased by general law beyond the amounts prescribed by this subparagraph.
- (B)(i) If the forest land conservation use property is subparagraph, the forest land general law to: located in a county, conservation use value shall not where forest land conservation tax revenue reduction of 3 percent or less due to the implementation of this subparagraph, in each taxable year in which such reduction occurs, the assistance grants to the county, each municipality located therein, and the county or independent school districts located therein shall be in an amount equal to 50 percent of the amount of such reduction.
- (ii) If the forest land conservation use property is located in a county, municipality, or county or independent school district where forest land conservation use value causes an ad valorem tax revenue reduction of more than 3 percent due to the implementation of this (f.1) of this Paragraph. subparagraph, in each taxable occurs, the assistance grants to the county, each municipality located therein, and the county or independent school districts located therein shall be for the 50 percent of the amount of such producing timber for commercial

- The General reduction and, for the remainder uses and that meets such further
- Such revenue (C)(i) the applicable tax year and the Paragraph. resulting amount shall be 2023, the value of the assistance multiplied by the millage rate of a u t h o r i z e d the county, municipality, or subclassification of qualified county or independent school timberland property as provided district.
 - conservation use property.
 - such year.
 - (D) Notwithstanding general law for a fee, not to qualified timberland property. exceed 5 percent, to be deducted from such assistance grants and retained by the state revenue The above proposed amendment commissioner to provide for the to the Constitution shall be
- year in which such reduction Assembly shall be authorized by proposed amendment shall have separate class of property for ad following: valorem taxation purposes that "() YES Shall the Constitution property that has as its primary first 3 percent of such reduction use the production of trees for amount, in an amount equal to the primary purpose of

- Assembly shall appropriate an of such reduction amount, in an requirements as may be amount equal to 100 percent of prescribed by general law. Such the amount of such remaining property shall be known as 'qualified timberland property.'
 - (B) The value of qualified the reduction shall be determined by timberland property shall be at subtracting the aggregate forest least 175 percent of such land conservation use value of property's forest land qualified properties from the conservation use value as aggregate forest land fair market determined pursuant to value of qualified properties for subparagraph (f) of this
 - (2) The only two purposes b v by this subparagraph shall be to (ii) For purposes of this allow the General Assembly by
- (A) Provide that the municipality, or county or include the value of the standing Department of Revenue shall independent school district timber located on forest land appraise qualified timberland property at its fair market value (iii) For the purposes of using any combination of this subparagraph, forest land appraisal methodologies fair market value means the fair otherwise provided by general market value of the forest land as law for establishing the fair determined in 2016, provided market value of real property, that such value shall change in provided that such methodology 2019 and every three years is not subject to an exception thereafter to the fair market value authorized by subparagraph (b), of forest land as determined in (c), (d), (e), (f), or (g) of this Paragraph; and
 - (B) Authorize the General subparagraph (a) of Paragraph Assembly to provide for a VI of Section IX of Article III of separate system by which to this Constitution, the General appeal appraisals of and Assembly may provide by determinations made related to

SECTION 2.

costs to the state of administering published and submitted as the provisions of subparagraph provided in Article X, Section I, Paragraph II of the Constitution. (f.1)(1)(A) The General The ballot submitting the above general law to establish a written or printed thereon the

includes only tangible real () NO of Georgia be amended so as to revise provisions related to the subclassification for



of forest land conservation use for other purposes. property and related assistance grants, to assistance grants related to forest land conservation use law for a five-year period and that up to percent of be deducted and retained by the state r e v e n u e commissioner to qualified timberland property for ad purposes?"

favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

-4-

Senate Resolution No. 146 Resolution Act No. 467 Ga. L. 2018, p. 1139

A RESOLUTION

Proposing an amendment to the Constitution so as to acknowledge certain rights of victims against whom a crime has provide for the enforcement of

tax purposes of and such rights; to provide for (b) A victim described in in this Paragraph or to regulate the prescribed exceptions; to provide for related subparagraph (a) of this the reasonable exercise thereof; methodology for matters; to provide for Paragraph shall have the right to or establishing the value submission of this amendment assert the rights enumerated in for ratification or rejection; and subparagraph (a) of this authority of the courts to

provide that GENERAL ASSEMBLY OF such victim may assert the rights The above proposed amendment GEORGIA:

SECTION 1.

as follows:

assistance grants may certain individuals. (a) For the political subdivisions shall be "() YES Shall the Constitution purpose of this Paragraph, a obligated to appoint an attorney () NO victim shall be considered an to represent him or her. The individual against whom a crime General Assembly shall provide has allegedly been perpetrated, by general law the process provide for certain including crimes alleged as whereby a family member, state administrative delinquent acts. Such victims guardian, or legal custodian of a costs, and to provide shall be accorded the utmost victim when he or she is a minor, t h e dignity and respect and shall be legally incapacitated, or subclassification of treated fairly by the criminal deceased may assert the rights of justice system of this state and all such victim. agencies and departments that (c) This Paragraph shall not: favor of ratifying the proposed valorem taxation serve such system. When the crime is one against or involving action against the State of persons desiring to vote against All persons desiring to vote in the person of the victim or is a Georgia; any political ratifying the proposed felony property crime, such subdivision of the State of amendment shall vote "No." If victim shall be afforded the Georgia; any officer, employee, such amendment shall be ratified following specific rights:

- amendment shall vote "No." If reasonable, accurate, and timely subdivisions; or any officer or a part of the Constitution of this notice of any scheduled court employee of the court; proceedings involving the alleged act or changes to the scheduling the right to: of such proceedings;
 - reasonable, accurate, and timely delinquency proceeding; notice of the arrest, release, or escape of the accused;
 - excluded from any scheduled court proceedings involving the participate as a party in a Proposing an amendment to the alleged act;
 - proceedings involving the subparagraph (b) of this independent school district or release, plea, or sentencing of the Paragraph; accused; and
- (5) allegedly been perpetrated; to informed of his or her rights, general law, to further define or for a referendum for a sales and

Paragraph. Assembly shall provide by BE IT RESOLVED BY THE general law the process whereby provided by subparagraph (a) of to the Constitution shall be this Paragraph by motion within published and submitted as the same criminal or delinquency provided in Article X, Section I, property may be Article I, Section I of the proceeding giving rise to such Paragraph II of the Constitution. increased by general Constitution is amended by rights. At the hearing on such The ballot submitting the above adding a new Paragraph to read motion, such victim may be proposed amendment shall have represented by an attorney, but written or printed thereon the Paragraph XXX. Rights of neither the state nor any of its following:

- (2) Confer upon any victim
- (A) Appeal any decision (2) The right upon request to made in a criminal or Senate Resolution No. 95
- (B) Challenge any verdict Ga. L. 2017, p. 857 or sentence entered in a criminal (3) The right not to be or delinquency proceeding; or
 - (C) Standing

(4) Restrict the inherent The General maintain order in the courtroom.

of Georgia be amended so as to provide certain rights to victims against whom a crime has allegedly been perpetrated and allow victims to assert such rights?"

All persons desiring to vote in (1) Create any cause of amendment shall vote "Yes." All or agent of the State of Georgia as provided in said Paragraph of (1) The right upon request to or of any of its political the Constitution, it shall become state.

- 5 -

Resolution Act No. 278

A RESOLUTION

criminal or delinquency Constitution of the State of (4) The right upon request to proceeding other than to file a Georgia so as to authorize a be heard at any scheduled court motion as provided in county school district or an districts within the county having (3) Restrict the authority of a majority of the students The right to be the General Assembly, by enrolled within the county to call expand upon the rights provided use tax for education; to provide



on a per student basis among all agreement is reached among such school systems for a different distribution; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VIII, Section VI, Paragraph IV of the Constitution is amended by revising subparagraphs (a) and (g) as follows:

each school district in a county in which no independent school district is located may by resolution and the board of education of each county school district and the board of education of each independent school district located within such county may by concurrent resolutions impose, levy, and collect a sales and use tax for educational purposes of such school districts conditioned upon approval by a majority of the qualified voters residing within the limits of the local taxing jurisdiction voting in a referendum thereon. In addition. when a county school district has one or more independent school districts located within such imposing the tax. county, the school district or combination of school districts that has a majority of the students enrolled within the county, based on the latest full-time equivalent count, shall be authorized to call for a referendum to impose, levy, and collect a sales and use tax for educational purposes of such school districts conditioned upon approval by a majority of the qualified voters residing within the limits of the county voting in a referendum thereon. This tax shall be at the rate of 1 percent

that the proceeds are distributed and shall be imposed for a period of time not to exceed five years, the school systems unless an but in all other respects, except as otherwise provided in this Paragraph, shall correspond to and be levied in the same manner as the tax provided for by Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the special county 1 percent sales and use tax, as now or hereafter amended. Proceedings for the reimposition of such tax shall be in the same manner as proceedings for the initial imposition of the tax, but the newly authorized tax shall not be imposed until the expiration of the tax then in effect.

(g) The net proceeds of the tax (a) The board of education of shall be distributed between the county school district and the independent school districts, or portion thereof, located in such All persons desiring to vote in county according to an agreement favor of ratifying the proposed between the county school amendment shall vote "Yes." system and the independent All persons desiring to vote school district or districts or, if no against ratifying the proposed agreement can be reached, amendment shall vote "No." If according to the ratio the student such amendment shall be ratified enrollment in each school district, as provided in said Paragraph of or portion thereof, bears to the Constitution, it shall become total student enrollment of all a part of the Constitution of this school districts in the county or state. upon such other formula for distribution as may be authorized by local law. For purposes of this subparagraph, student enrollment shall be based on the latest full-time equivalent count prior to the referendum on

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution () NO of Georgia be amended so as to

authorize referendum for a sales and use tax for education by a county school district or an independent school district or districts within the county having a majority of the students enrolled within the county and to provide that the proceeds are distributed on a per student basis among all the school systems unless an agreement is reached among such school systems for a different distribution?"



SUMMARIES OF PROPOSED CONSTITUTIONAL AMENDMENTS AND STATE-WIDE REFERENDUM QUESTIONS ON THE GENERAL ELECTION BALLOT NOVEMBER 6, 2018



SUMMARIES OF PROPOSED CONSTITUTIONAL AMENDMENTS

Pursuant to requirements of the Georgia Constitution, Attorney General Christopher Carr, Secretary of State Brian P. Kemp, and Legislative Counsel Rick Ruskell hereby provide the summaries of the proposed constitutional amendments that will appear on the November 6, 2018, general election ballot for consideration by the people of Georgia (short captions are those adopted by the Constitutional Amendments Publication Board):

-1-

Creates the Georgia Outdoor Stewardship Trust Fund to protect water quality, wildlife habitat, and parks.

House Resolution No. 238 Resolution Act No. 414 Ga. L. 2018, p. 1138

"() YES () NO

Georgia sources and the and conserve for public inspection.

forests, fish, wildlife habitats, and state and local families to play and public disclosure, the existing sales tax collected by sporting goods stores to such purposes without increasing the current state sales tax rate?"

Summary

This proposal authorizes the General Assembly to provide for an annual allocation of up to 80 percent of the revenue derived from the state sales and use tax collected by sporting goods stores to a trust fund to be used Without increasing for the protection and the current state preservation of conservation sales tax rate, shall land. Any law adopted pursuant the Constitution of to this proposal shall provide for b e automatic repeal not more than amended so as to ten years after its effective date; Stewardship Trust additional years. A copy of this entire proposed selection, terms,

- 2 -

p r o v i d e court to lower costs, enhance file in the office of the judge of opportunities for efficiency, and promote the probate court and is available our children and predictable judicial outcomes. for public inspection.

enjoy the outdoors, House Resolution 993 by dedicating, Resolution Act No. 410 subject to full Ga. L. 2018, p. 1130

amended so as to and grants. create a state-wide House Resolution No. 51 authorize superior Ga. L. 2018, p. 1127 court business court divisions, and allow "() YES Shall the Constitution process for state-wide business court judges in order to lower costs, improve the efficiency of courts, and promote predictability of judicial outcomes in certain complex business disputes for the benefit of all citizens of this state?"

Summary

This proposal creates create the Georgia however, such repeal date may be state-wide business court with O u t d o o r extended for a maximum of ten state-wide jurisdiction for use It amends under certain circumstances. It Fund to conserve Article III, Section IX, Paragraph contains provisions relating to lands that protect VI of the Georgia Constitution by venue, jurisdiction, and powers drinking water adding a new subparagraph (p). of such court and provides for water quality of constitutional amendment is on qualifications of state-wide rivers, lakes, and file in the office of the judge of business court judges. It amends streams; to protect the probate court and is available Article VI of the Georgia

Constitution by revising Sections I, II, III, IV, and VII.

A copy of this entire proposed parks; and to Creates a state-wide business constitutional amendment is on

- 3 -

Encourages the conservation, sustainability, and longevity of up to 80 percent of "() YES Shall the Constitution Georgia's working forests () NO of Georgia be through tax subclassification

business court, Resolution Act No. 297

for the appointment () NO of Georgia be amended so as to revise provisions related to the subclassification for tax purposes of and the prescribed methodology for establishing the value of forest land conservation use property and related assistance grants, to provide that assistance grants related to forest land conservation use property may be increased by general law for a five-year period and that up to percent of assistance grants may be deducted and retained by the state r e v e n u e commissioner to provide for certain



state administrative costs, and to provide f o r t h e subclassification qualified timberland property for valorem taxation purposes?"

to victims against whom a crime has allegedly been perpetrated and allow victims to assert such rights?"

Summary

Summary

This proposal provisions subclassifying forest perpetrated and provides for the land conservation use property enforcement of such rights. It It revises the methodology for Georgia Constitution by adding a independent school district or establishing the value of forest new Paragraph XXX. land conservation use property timberland property for ad for public inspection. valorem taxation purposes. amends Article VII, Section I, Paragraph III of the Georgia new subparagraph (f.1).

A copy of this entire proposed distribution of proceeds. constitutional amendment is on file in the office of the judge of Senate Resolution No. 95 the probate court and is available Resolution Act No. 278 for public inspection.

_4 _

Provides and allows assertion of certain rights for victims of crime in the judicial process.

Senate Resolution No. 146 Resolution Act No. 467 Ga. L. 2018, p. 1139

"() YES Shall the Constitution () NO of Georgia be amended so as to provide certain rights

proposal recognizes This certain rights of victims against revises whom a crime has been

- 5 -

Ga. L. 2017, p. 857

"() YES () NO of Georgia be for public inspection.

amended so as to authorize referendum for a sales and use tax for education by a county school district or an independent school district or districts within the county having a majority of the students enrolled within the county and to provide that the proceeds are 21-2-4 of the O.C.G.A., the distributed on a per Secretary of State is authorized to student basis among include with the summaries of all the school systems proposed constitutional unless an agreement amendments summaries of any is reached among state-wide referendum questions such school systems to be voted on at the same a different general election: distribution?"

Summary

- A -

Pursuant to Code Section

Provides for a homestead This proposal authorizes a exemption for residents of for ad valorem taxation purposes. amends Article I, Section I of the county school district or an certain municipal corporations.

> House Bill No. 820 Act No. 346 Ga. L. 2018, p. 235

() NO

"() YES Do you approve a new homestead exemption in a municipal corporation that is located in more than one county, that levies a sales tax for the purposes of a metropolitan area system of public transportation, and that has within its boundaries independent school system, from ad valorem taxes for municipal purposes in the amount of the difference between the current year assessed value of a home and the adjusted base year value, provided that the lowest base year value will be adjusted bу 2.6 yearly percent?"

SUMMARIES OF PROPOSED STATE-WIDE REFERENDUM **QUESTIONS**

Summary

This proposal authorizes a new homestead exemption from ad

districts within the county having A copy of this entire proposed a majority of the students and related assistance grants. constitutional amendment is on enrolled within the county to call The proposal also permits the file in the office of the judge of for a referendum for a sales and subclassification of qualified the probate court and is available use tax for education and provides that the proceeds are distributed on a per student basis among all the school systems unless an agreement is reached Constitution by revising Authorizes local referenda for among such school systems for a subparagraph (f) and by adding a educational sales taxes for different distribution. It amends certain school systems and Article VIII, Section VI, Paragraph IV of the Constitution

> A copy of this entire proposed constitutional amendment is on file in the office of the judge of Shall the Constitution the probate court and is available

by revising subparagraphs (a) and

valorem taxes for municipal purposes in an amount equal to the amount by which the current homestead. metropolitan area system of Code of Georgia Annotated. public transportation, and that has the Official Code of Georgia on or after that date. Annotated.

If approved by a majority of the voters, the Act becomes effective on January 1, 2019, and applies to all tax years beginning on or after that date.

- B -

Provides a tax exemption for certain nonprofit-owned homes for the mentally disabled.

House Bill No. 196 Act. No. 25 Ga. L. 2017, p. 55

"() YES Shall the Act be () NO approved which provides exemption from ad valorem taxes on nonprofit homes for the mentally disabled if they include business corporations in the ownership structure for financing purposes?"

Summary

This proposal clarifies that the year assessed value of a existing exemption from ad homestead exceeds the adjusted valorem taxation for nonprofit base year value of such homes for the mentally disabled This exemption applies even when financing for would only apply to persons construction or renovation of the residing in a municipal homes is provided by a business corporation that is located in corporation or other entity. It more than one county, that levies amends paragraph (13) of Code a sales tax for the purposes of a Section 48-5-41 of the Official

If approved by a majority of within its boundaries an the voters, the Act becomes independent school system. It effective on January 1, 2019, and enacts Code Section 48-5-44.1 of applies to all tax years beginning





September 11, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Hurricane Florence and Emergency Preparedness

The Secretary of State's Office urges officials and citizens within or near coastal Georgia to exercise vigilance as we prepare for Hurricane Florence. This office stands ready to assist to ensure a secure, accessible, and fair election for all voters as we near the start of early voting and the voter registration deadline. We are in regular contact with GEMA, and we are monitoring the situation with this storm and its potential impact in Georgia. It is recommended for all counties to keep in close contact with their Emergency Management Authorities as the situation continues to develop. Your local and state emergency officials will have the best information and directions for you to follow.

A large storm coming ashore can cause damage inland for hundreds of miles, so now is a good time for all counties to review contingency plans and make sure that your equipment is well-protected. At a minimum, please consider the following when reviewing your county-specific emergency preparedness:

- Preparing for potential power outages, facility damage, mail delays, and office closures
- Protecting election materials and voting equipment
- Ensuring absentee ballots are ready to go out to eligible voters by September 22, 2018
- Preparing for the voter registration deadline on October 9, 2018

If the decision is made that your office must close and that you are evacuating, please let our office know. You can send an email or call your liaison or anyone in our office. Before vacating your office, make a back-up copy of your GEMS database and save that back-up onto a CD. The CD should be placed in a sealed envelope and retained by the Election Supervisor. Additionally, the optical scan ballots, optical scan memory cards, and touch screen memory cards should be secured in an appropriate manner. If disaster strikes and you have these items, we can restore your voting capabilities quickly. If you have questions about creating this back-up or securing your equipment, please reach out to the Secretary of State's Center Office using the following contact information:

Axiver Harris - 404.654.6051

Chris Bellew - 404.654.6070

Page **1** of **2**



Personal safety is of paramount importance, but in the event that you have advanced warning of a need to vacate your office, taking these steps can reduce the time needed to get back online when it is safe to return to your offices.





September 14, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: State Write-In Absentee Ballot (SWAB) Instructions

SWABs are for use in an election runoff for federal and state offices by eligible UOCAVA voters who live outside the county or municipality. Attached are PDF files of two State Write-in Absentee Ballots (SWABs) for the November 6, 2018 General/Special Election. There is a SWAB for the December 4, 2018 potential election runoff for state offices that are voted upon on a statewide basis [State Office SWAB], and a SWAB for the January 8, 2019 potential election runoff for federal offices [Federal Office SWAB].

There are two instructions sheets: (1) the form which the registrar will mail with the regular absentee ballot [SWAB Instructions/SWAB-M-06] and (2) the form which the registrar can fax to the voter should he or she be unable to locate the original ballot and instructions [SWAB OATH/SWAB-F-06]. Both SWABs will be available on the Secretary of State's website as well as the Download Folder on Firefly. In addition, a SWAB may be faxed or emailed to an eligible UOCAVA voter upon request. The voter may not fax or email the completed ballot back to the voter registration office.

Please remember that the two SWABs, instructions, and two return envelopes shall be automatically included with any absentee ballot sent by mail to an eligible UOCAVA voter. If both the regular runoff absentee ballot and a SWAB are received by the registrar within the time period for receiving absentee ballots for the runoff, the regular runoff absentee ballot shall be counted and the SWAB shall be kept unopened and handled in the same manner as absentee ballots that are returned too late to be counted. O.C.G.A. § 21-2-381.2(f). Please remember that all UOCAVA ballots postmarked by the date of the election, if proper in all other respects, shall be counted if received by the registrar within the 3-day period following the election. O.C.G.A. §§ 21-2-381.2(f) and 21-2-386(a)(1)(G).

Please also refer to O.C.G.A. § 21-2-381.2 and SEB rule 183-1-14-.05. If you have any additional questions, please feel free to contact your Liaison.



SPECIAL WRITE-IN ABSENTEE BALLOT

GENERAL ELECTION RUNOFF DECEMBER 4, 2018

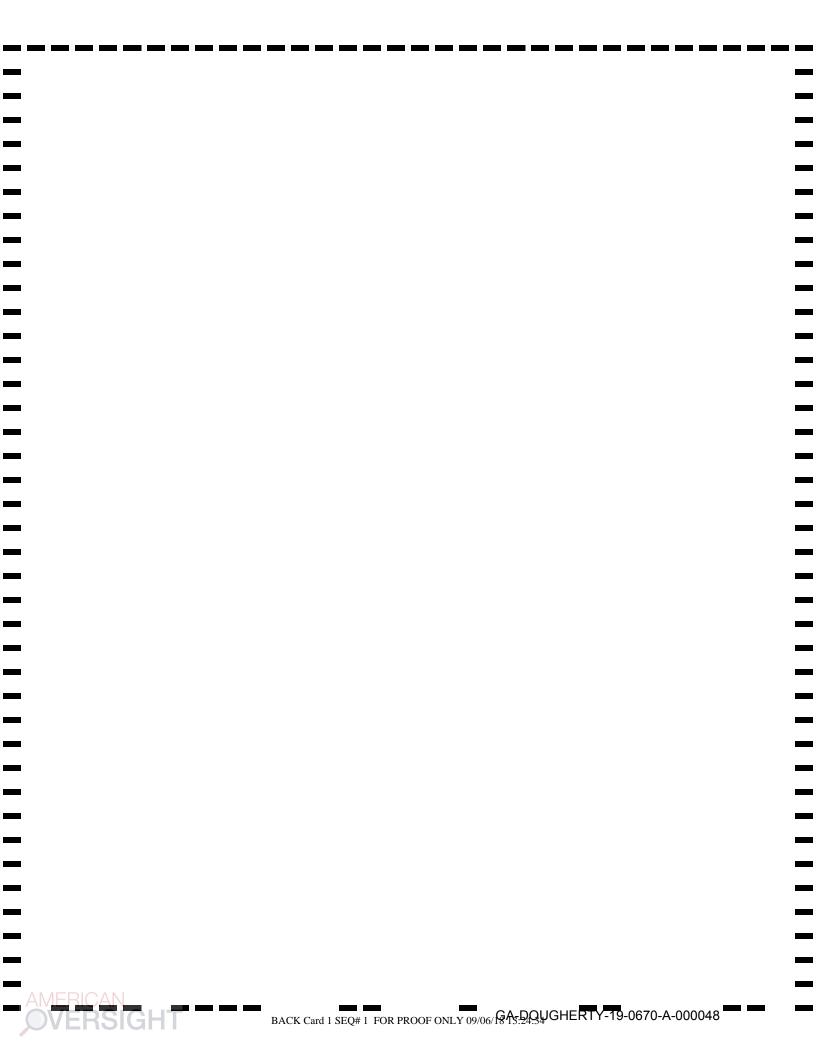
To vote using the SWAB, you must access the Secretary of State's website at www.sos.ga.gov to obtain the names of all eligible candidates and races.

Write in the name of the office for which you are voting on the line provided. You may use pen or pencil.

"I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law." (21-2-383)

Office:	Office:
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SPECIAL WRITE-IN ABSENTEE BALLOT

GENERAL ELECTION RUNOFF JANUARY 8, 2019

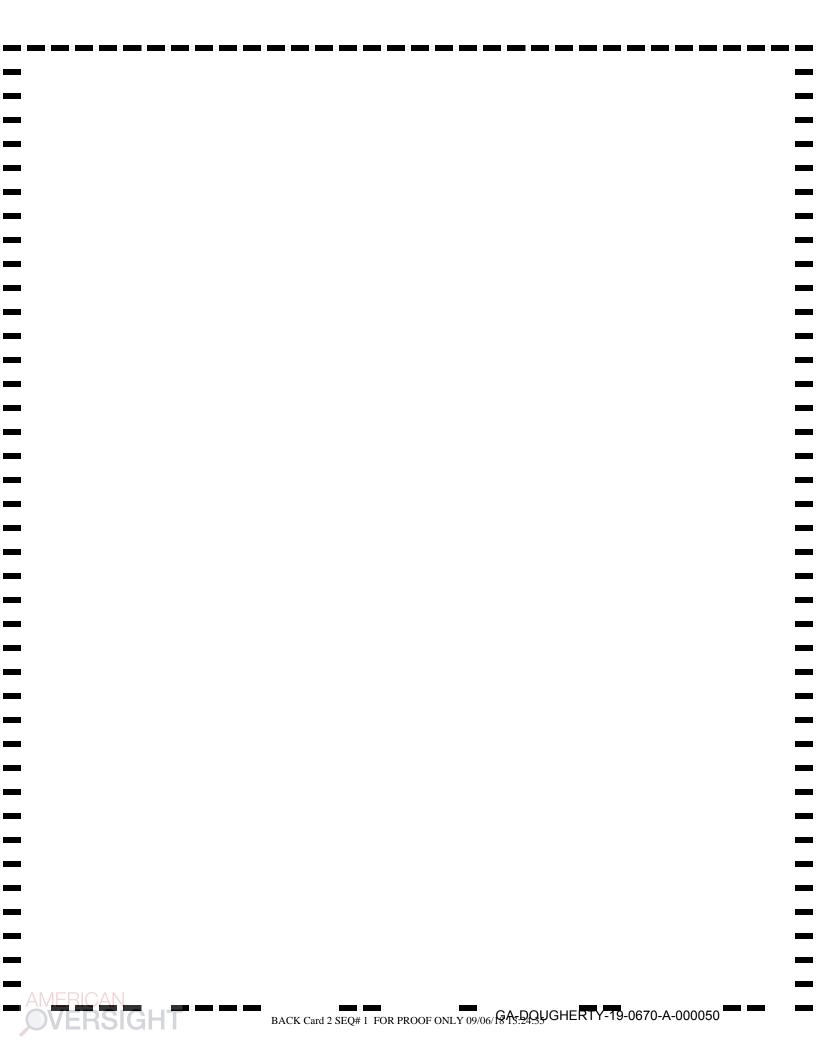
To vote using the SWAB, you must access the Secretary of State's website at www.sos.ga.gov to obtain the names of all eligible candidates and races.

Write in the name of the office for which you are voting on the line provided. You may use pen or pencil.

"I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law." (21-2-383)

Representative in 116 th Congress _Congressional District of Georgia





STATEWIDE WRITE-IN ABSENTEE BALLOT (SWAB)

The Statewide Write-In Absentee Ballot (SWAB) may be used by an eligible UOCAVA voter for the purpose of casting a ballot for a federal or statewide Primary runoff or General Election runoff only.

This special write-in ballot is provided for use in the event of a runoff election in a federal or statewide race. The use of this ballot will ensure your ability to vote and have your vote counted for all runoff elections.

This SWAB should be kept in your possession until after the Primary or General Election. In the event of a federal or statewide runoff, you should access the Secretary of State's website by visiting www.sos.state.ga.us to obtain the names of all eligible candidates.

USE THE FOLLOWING INSTRUCTIONS IF YOU ARE RETURNING A SWAB WHICH WAS MAILED TO YOU WITH YOUR PRIMARY OR GENERAL ELECTION BALLOT:

- 1. Write in the name of the office for which you are voting.
- 2. To vote for an eligible candidate, write in the candidate's first and last name as it appears on the website.
- 3. Fold the ballot and place it into the white envelope provided.
- 4. Place the inner white envelope into the yellow outer envelope and seal the same.
- 5. Complete the required information on the outside of the yellow envelope including the oath statement. Failure to complete and sign the oath will cause your SWAB to be rejected.
- 6. Return the SWAB to your local county registrar. All ballots postmarked by the date of the runoff will be counted if received within three days of the runoff election.
- 7. The SWAB will not be accepted if it is returned by facsimile or email.

If you have previously requested all absentee ballots as allowed by law, your local county registrar will also mail you a regular absentee ballot containing all runoff races for which you are eligible to vote. In the event both ballots are received prior to the deadline, the registrars will count the regular absentee ballot and not the SWAB.



STATEWIDE WRITE-IN ABSENTEE BALLOT (SWAB)

The Statewide Write-In Absentee Ballot (SWAB) may be used by an eligible UOCAVA voter for the purpose of casting a ballot for a federal or statewide Primary runoff or General Election runoff only.

In the event of a federal or state runoff, you may access the Secretary of State's website by visiting www.sos.state.ga.us to obtain the names of all eligible candidates.

USE THE FOLLOWING INSTRUCTIONS IF YOU ARE RETURNING A SWAB WHICH WAS FAXED TO YOU BY THE COUNTY REGISTRAR:

- 1. Write in the name of the office for which you are voting.
- 2. To vote for an eligible candidate, write in the candidate's first and last name, as it appears on the website.
- 3. To ensure secrecy, place your folded ballot into a plain envelope and seal.

6. The SWAB will not be accepted if it is returned by facsimile or email.

- 4. Complete the oath at the bottom of the page. Cut on the dotted line and place the completed oath and the sealed envelope into a larger envelope and seal. Write the words "Official Absentee Ballot" on the outer envelope. Failure to complete and sign the oath will cause your SWAB to be rejected.
- 5. Return the SWAB to your local county registrar. All ballots postmarked by the date of the runoff will be counted if received within three days of the runoff election.

	CUT HERE		
I, the undersigned, do swear (or affir Services or merchant marine on active zen temporarily residing outside the Uzen, at least 18 years of age (or will jurisdiction; and 3) I have not been dementally incompetent, or, if so, my verballot, or voting in any other jurisdiction and a citizen of the State of Georgia;	re duty; or an eligible spouse or de U.S.; or other U.S. citizen residing be by the date of the election), are convicted of a felony, or other discoting rights have been reinstated; attion in the U.S., except the jurisdi	pendent of such mem outside the U.S.; and d I am eligible to vot qualifying offense, or and 4) I am not registe	ber; or a U.S. citi- 2) I am a U.S. cit- e in the requested been adjudicated ering, requesting a
(No., R.F.D., Street or Road)	(City)	(State)	(Zip)
	15 (15.75)	2.	GARCIE. BUFA
(No., R.F.D., Street or Road) in the County of that I possess the qualifications of an	, that the	e date of my birth is_	GARCIE. BUFA

Form SWAB-F-06





September 17, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: 2018 Qualified Write-in Candidates in State and Federal Elections

As required by O.C.G.A. § 21-2-133(e)(1), the Secretary of State's Office is providing the attached list of certified write-in candidates in state and federal races for the November 6, 2018 General Election.





The Office of Secretary of State

Brian P. Kemp SECRETARY OF STATE 2 Martin Luther King Jr., Drive NE 802 West Tower Atlanta, Georgia 30334 Chris Harvey
ELECTIONS DIRECTOR

Certified Write-In Candidates November 6, 2018

Governor
DAVID C. BYRNE
ROD MACK
BOBBY WALDREP
BOBBY WILLIAMS

State School Superintendent SONIA FRANCIS-ROLLE

<u>U.S. House of Representatives, District 6</u> JEREMY "CARLTON HESTON" STUBBS

<u>U.S. House of Representatives, District 8</u> JAMES L. COOPER III

<u>U.S. House of Representatives, District 9</u> CLIFFORD DENNIS BAXTER

<u>U.S. House of Representatives, District 12</u> BRIAN RUSSELL BROWN

<u>U.S. House of Representatives, District 13</u> MARTIN COWEN

Georgia House of Representatives, District 2
MICHELLE SIMMONS

Georgia House of Representatives, District 19 OMASSIS MENDONCA

Georgia House of Representatives, District 92 RAYMOND DAVIS

Georgia House of Representatives, District 103 JACQUELINE MOHAIR

Georgia House of Representatives, District 106 EMILY LESLIE



Georgia House of Representatives, District 176 BARBARA A. SEIDMAN

Georgia Senate, District 9
GINA JIMENEZ-CALLICOTTE

Georgia Senate, District 30 ANNE OBRYANT

Georgia Senate, District 36 NAMSO AKPAN

Georgia Senate, District 43 MELANIE WILLIAMS

Georgia Senate, District 46 JOHN "GREEN" FORTUIN





September 26, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Two-Factor Authentication for Advance Voting

All users attempting to access ElectioNet are required to complete the two-factor authentication process. This includes poll workers that will use ElectioNet to issue credit for voting to voters in the absentee module during the advanced voting period. If you do not already have a plan to handle the two-factor authentication process with your advanced voting workers, I strongly advise you to start making plans now. October 15th will be here before you know it.

As a reminder, there is a setting within ElectioNet that allows users to remember a device. This functionality allows users to skip the authentication code step when logging in from a remembered device. However, the user must be logging in from the same location, on the same computer, and using the same internet browser. Devices are remember by IP address and browser cookies. If a user changes locations, the two-factor process will need to be completed again. If a user changes internet browsers, the two-factor process will need to be completed again. If the browser settings on your computer are automatically deleting cookies, the user will need to complete the two-factor authentication process each time the cookies are cleared.

If there were to be a need during the advanced voting period, the state may clear all of the remembered devices from ElectioNet. This would require all users to complete the two-factor authentication process again. Make sure that your plan includes a way to continue processing voters if this were to occur. A best practice is to train your poll workers to complete the two-factor authentication process independent of a supervisor. If your poll workers cannot log into the system without the assistance of a supervisor, make sure you are prepared to recover from a system reset.

There are no restrictions on the types of email accounts that can be used in the two-factor authentication process. There is no system check to ensure that a unique email is used





for each account. A best practice is to have a unique email and mobile device available for each ElectioNet user.

If you have questions about the two-factor authentication process or any other ElectioNet functions, please do not hesitate to reach out to me directly. A detailed guide outlining the two-factor authentication process can be found of Firefly under Training > GVRS - eNet – ElectioNet > "Two-Factor Authentication Instruction Guide."





October 12, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Processing Voter Registration Applications after the VR Deadline

Voter Registration Deadline

Pursuant to O.C.G.A. § 21-2-224, Tuesday, October 9, 2018 was the voter registration deadline for the November 6, 2018 Election(s). If mail-in VR Applications (Site Codes 2, 9, and 14) do not have a legible postmark, then the Secretary of State's date stamp should be used to determine if the voter should be added or updated for the November 6, 2018 Election(s). O.C.G.A. § 21-2-224(c) provides that the Secretary of State's date stamp on the application must be no later than Friday, October 12, 2018 for the individual to be eligible to vote in the November 6, 2018 Election(s). If you receive a new mail application that meets these postmark requirements, then enter the voter registration deadline of October 9, 2018 as the voter's registration date into eNet.

The voter registration date for applications from site codes 5, 6, 8, 10, 12, and 13 are based on the date written next to the voter's signature.

New Voter Registration Applications

Although the October 9, 2018 deadline has passed, counties will still be able to add new voter registration applications into eNet. Pursuant to O.C.G.A. § 21-2-224, such applications will still be subject to the October 9, 2018 registration deadline, and voters who applied to register to vote after the October 9, 2018 deadline will not be eligible to vote in the November 6, 2018 Election(s).

New voters added during the period between the day after the registration cut-off date and Election Day or until after any subsequent run-off date will be visible within all modules in eNet.

THIS IS IMPORTANT: Because all new applicants (including those who register after the registration deadline) will appear in eNet, counties must double-check the registration date of each voter before allowing the voter to cast a ballot during the absentee/advance voting period.

Changes to Voter Address Information Within the County

Counties should not enter within-county address changes to voter information postmarked during the period between the day after the registration cut-off date and Election Day. Therefore, voter registration applications for within-county address changes postmarked after October 9, 2018



should not be entered until Wednesday, November 7, 2018 (if no runoff) or after any subsequent run-off date.

County-to-County Transfers

- 1. For county-to-county transfers of voters before the registration cut-off date, the process has not changed. Counties may transfer voters before a registration cut-off date for an election without issue.
- 2. Counties should not process county-to-county transfers postmarked after the registration cut-off date until after certification. Therefore, voter registration applications for county-to-county transfers postmarked after October 9, 2018 should not be entered until the county level certification, Monday after the election. Failure to adhere to these guidelines may result in voters not appearing on the electors list or ExpressPoll when they should.
- **3.** Please be aware that the Secretary of State's My Voter Page (MVP) will show the voter's polling place for state & county elections as the most recent precinct entered into eNet.

Changes to Voter Information Other Than Address Change

Counties may not enter changes to voter information after the registration cut-off date except to update voters who are providing additional information as required in O.C.G.A. § 21-2-220(d).

Voter List Maintenance

Counties may continue to conduct specific individualized voter list maintenance efforts to ensure that ineligible voters are removed from the electors list in a timely manner. County list maintenance should be conducted as frequently as is practicable to ensure that ineligible individuals do not remain on the electors list.

As you continue list maintenance processes leading up to the election, please keep in mind the limitations on list maintenance activities established under the National Voter Registration Act of 1993 (NVRA). Specifically, NVRA provides that any program to systematically remove the names of ineligible voters from the official list of electors must be completed no later than ninety (90) days prior to the date of a primary or general election for federal office.

Removal of ineligible voters for the following reasons is not subject to the 90-day limitation:

- 1. at the request of the registrant;
- 2. the felony conviction or judicial determination of mental incompetency of the registrant;
- 3. the death of the registrant;
- 4. correction of registration records pursuant to the NVRA; or
- 5. the verification process of determining the eligibility of a person applying to register to vote in accordance with any applicable court order and federal law.

Registrars can continue with their list maintenance activities, as long as they fall into one of the above categories as authorized by law. If you have any additional questions, please contact your

OVERSIGHT



October 17, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Security, Poll Watchers, and Press During Voting

Security is a high priority as the election looms and advance voting begins. As we have pointed out repeatedly, part of our election security is based on multiple layers of security including physical security of equipment and locations where equipment is stored or voting takes place.

I am again encouraging all election officials to remain vigilant throughout the period of advance voting and on Election Day. This includes high levels of awareness of all activities that take place within areas where voting occurs, and where voting equipment is stored.

Special attention must be paid to individuals seeking access to secure areas or voting equipment. If a person states that they are from a vendor, or the Secretary of State's Office, or that they have some official status, identification should be checked and verified further by telephone if necessary to establish a person's identity and authority.

Be aware that in the aftermath of an unusual event such as the Hurricane, some individuals or groups might attempt to take advantage of unusual situations to gain access to secure areas either physically or by electronic/cyber means. Phishing emails remain the greatest threat to cyber security. One of the best ways to protect yourself is to practice a slow and methodical approach to responding to emails, and to be hesitant to open attachments or links in emails, or to verify by telephone that an email is authentic if there is cause for alarm.

The Republican and Democratic parties and the Libertarian political body have appointed statewide poll watchers, and likely, many counties have poll watchers for local polling places. We have posted the list of the poll watchers on Firefly under the "2018 General Election Information" folder.

Page **1** of **3**



To specify some activities poll watchers <u>may not engage in</u> while behind the enclosed space:

- 1. In no way interfere with the conduct of the election;
- 2. May not talk to voters;
- 3. May not check elector lists;
- 4. May not use photographic or other electronic monitoring or recording devices;
- 5. May not use cellular phones;
- 6. May not participate in any campaigning;
- 7. May not compromise the privacy of the voter's secret ballot.

I encourage you to review O.C.G.A. 21-2-408(d) for the entire code regarding poll watchers and the poll manager's rights and responsibilities concerning poll watchers in a polling place:

"(d) Notwithstanding any other provisions of this chapter, a poll watcher may be permitted behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes. Such poll watcher shall in no way interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. Without in any way limiting the authority of poll managers, poll watchers are prohibited from talking to voters, checking electors lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or participating in any form of campaigning while they are behind the enclosed space. If a poll watcher persists in interfering with the conduct of the election or in violating any of the provisions of this Code section after being duly warned by the poll manager or superintendent, he or she may be removed by such official. Any infraction or irregularities observed by poll watchers shall be reported directly to the superintendent, not to the poll manager. The superintendent shall furnish a badge to each poll watcher bearing the words "Official Poll Watcher," the name of the poll watcher, the primary or election in which the poll watcher shall serve, and either the precinct or tabulating center in which the poll watcher shall serve or a statement that such poll watcher is a state-wide poll watcher. The poll watcher shall wear such badge at all times while serving as a poll watcher." (emphasis added)

Poll watchers must be monitored to ensure that they are not exceeding their authority, interfering with voting, infringing on voter privacy, or gaining access to any equipment or data which they have no authority to access.

There is also significant press interest in these elections, and I expect media requests for access to report from and/or photograph or record video in polling places to be plentiful. O.C.G.A. 21-2-413(e) specifies:

Page **2** of **3**



"(e) No person shall use photographic or other electronic monitoring or recording devices, cameras, or cellular telephones while such person is in a polling place while voting is taking place; provided, however, that a poll manager, in his or her discretion, may allow the use of photographic devices in the polling place under such conditions and limitations as the election superintendent finds appropriate, and provided, further, that no photography shall be allowed of a ballot or the face of a voting machine or DRE unit while an elector is voting such ballot or machine or DRE unit and no photography shall be allowed of an electors list, electronic electors list, or the use of an electors list or electronic electors list. This subsection shall not prohibit the use of photographic or other electronic monitoring or recording devices, cameras, or cellular telephones by poll officials for official purposes."







October 23, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Handling Pending Verification Registrations At Voting Locations

Below please find guidance and instructions regarding handling voter registrations in pending verification status. This information was also provided leading up to the 2016 General Election.

As you know, all voter registration applications are checked against the information on file with the Georgia Department of Driver Services ("DDS") or the Social Security Administration ("SSA").

Any voter whose registration that is facially complete but whose DDS number or SSA number cannot be verified because key information such as first name, last name, and date of birth does not match the information on file with the Georgia DDS or the SSA will remain in pending status and will **not** be rejected for 26 months pursuant to O.C.G.A. § 21-2-220.1.

Pending applicants whose information (other than citizenship status) did not match are eligible to vote during early voting or on Election Day and must be allowed to vote a regular ballot if they show one of the following forms of identification and there are no other issues that would require the voter to vote a provisional ballot (i.e. wrong county, wrong precinct, already voted, etc.):

- (1) A Georgia driver's license (including an expired Georgia driver's license);
- (2) A valid Georgia voter identification card or other valid photo identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States which is authorized by law to issue personal identification. This includes a valid student photo ID card issued by a Georgia public college, university, or technical school; a valid out-of-state driver's license; public transit issued photo ID card; and any other federal or state agency or government issued photo ID card;
- (3) A valid United States passport;
- (4) A valid employee photo identification card issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid United States military photo identification card; or

After the applicant shows an acceptable form of identification at the polling place or early voting site and casts a ballot, that elector should be given credit for voting and their eNet status should be updated from "pending" to "active" using Site Override. The identification shown is not required to exactly match the information in ExpressPoll. Instead, you must simply confirm that the voter is the same person as the applicant.

Pending applicants whose registration did not match DDS records for citizenship status are eligible to vote a regular ballot during early voting or on Election Day for the November 6, 2018 General Election if they provide one of the forms of identification above and one of the following forms of proof of citizenship and a deputy registrar is available to review the proof of citizenship:

- (1) Birth certificate, issued by a U.S. State (if the person was born in the U.S.), or by the U.S. Department of State (if the person was born overseas and the parents registered the child's birth and U.S. citizenship at birth with the U.S. Embassy or Consulate).
- (2) U.S. Passport, issued by the U.S. Department of State.
- (3) Certificate of Citizenship, issued to a person born outside the U.S. who was still a U.S. citizen at birth, or to a person who later automatically became a U.S. citizen.
- (4) Naturalization Certificate, issued to a person who became a U.S. citizen after birth through the naturalization process.
- (5) A Report of Birth Abroad of a U.S. Citizen.
- (6) A Certification of birth issued by the Department of State.
- (7) A U.S. Citizen ID card.
- (8) An American Indian Card issued by the Department of Homeland Security with the classification code "KIC" (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).
- (9) Final adoption decree showing the child's name and U.S. birthplace.
- (10) Evidence of civil service employment by the U.S. government before June 1976.
- (11) An official U.S. military record of service showing a U.S. place of birth.
- (12) A Northern Mariana Identification Card (Issued by the INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986).
- (13) Extract of U.S. hospital record of birth established at the time of the person's birth indicating a U.S. place of birth.
- (14) Life or health or other insurance record which indicates a U.S. place of birth and which is dated at least 5 years before the initial application date.
- (15) Federal or State census record which indicates U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950).

- (16) Institutional admission papers from a nursing home, skilled nursing care facility or other institution which indicates a U.S. place of birth.
- (17) Medical (clinical, doctor, or hospital) record which indicates a U.S. place of birth and which is dated at least 5 years before the application date.
- (18) A driver's license or identification card issued by an agency of a U.S. state if that agency indicates on the driver's license or identification card that the applicant has provided satisfactory evidence of United States citizenship to the agency.
 - A Georgia driver's license or ID card is proof of citizenship unless it says LIMITED-TERM.
- (19) Other document that was created at least 5 years before the application. Document must be one of the following and show a U.S. place of birth: Seneca Indian tribal census record; Bureau of Indian Affairs tribal census records of the Navaho Indians; U.S. State Vital Statistics official notification of birth registration; an amended or delayed U.S. public birth record that is amended more than 5 years after the person's birth; or statement signed by the physician or midwife who was in attendance at the time of birth.
- (20) If other forms of documentation cannot be obtained, documentation may be provided by a written affidavit, signed under penalty of perjury, from two citizens, one of whom cannot be related to the person in question, who have specific knowledge of event(s) establishing the person in question's citizenship status. The person in question or another knowledgeable individual must also submit an affidavit stating why the documents are not available. Affidavits are only expected to be used in rare circumstances.

If a deputy registrar is not present at the time the applicant requests a ballot, the applicant may present the proof of citizenship to the poll manager who shall transmit a copy of the applicant's proof of citizenship to the county registrar's office via text message, email or fax, if said technology is available to the poll manager at the polling location. The county registrar shall immediately update the applicant's citizenship status so that the applicant shall be permitted to cast a regular ballot and convey that information to the poll manager at the polling location. If that technology is not available to the poll manager, the applicant shall be offered the opportunity to cast a provisional ballot, the provisional ballot envelope shall be marked by the poll manager with "CIZ" to confirm that the applicant presented one of the forms of acceptable proof of citizenship and ID at the time the ballot was cast, and the provisional ballot shall be counted as a vote without requiring any further action on the part of the voter.

If an applicant who is in pending status due to citizenship verification does not present one of the acceptable forms of proof of citizenship when a ballot is requested during early voting or on Election Day, the applicant shall be offered the opportunity to cast a provisional ballot. The provisional ballot envelope is to be marked "X". The applicant shall be instructed that he or she will be required to present proof of citizenship in person, via fax, email or text to the county registrar before the close of the provisional ballot period on the Friday following the election in order for the provisional ballot to count as a vote.



INSTRUCTIONS FOR PROCESSING PENDING VOTERS ON THE EXPRESSPOLL UNITS

There are two different indicators for voters in Pending status in ExpressPoll: V and X.

PENDING VOTERS IN "V" STATUS

- If a Poll Worker pulls up a voter and sees that the voter is in V status, it means that they failed verification with the Department of Driver Services or the Social Security Administration. When the Poll Worker selects the voter, they will be prompted with the following message:
 - o "Voter is a first time registrant whose application has not been fully verified. Voter must show an acceptable form of ID before voting. If no acceptable ID is provided, send the voter to the provisional station."
- If the voter is able to provide the proper identification outline in 21-2-417(a), the Poll Worker will select the button marked "ID Provided Issue Voter Card" and create a voter access card.
- If the voter is unable to provide the required identification, they should be sent to the provisional ballot station.

PENDING VOTERS IN "X" STATUS

- If a Poll Worker pulls up a voter that is in X status, they will notice the record is highlighted in purple. When they select the voter they will see the following message, which will also be highlighted in purple:
 - "Voter has been flagged in the Voter Registration System as a possible Noncitizen.
 Issue the Voter a Challenged Ballot. Contact the County Registrar for individual's current status."
- At this point, the Poll Worker does not have the option to create a voter access card for this voter. There are four different scenarios that could take place at this point.
 - 1. If the voter has proof of citizenship with them and there is a deputy registrar at the polling location that can verify the documents, the Poll Manager can override the X status for the voter using their supervisor password. They would change the voter status to A and then the Poll Worker could then issue that voter a voter access card.
 - 2. If there is not a deputy registrar at the polling place, but the voter presents proof of citizenship to the poll manager, the poll manager shall call the registrar's office and send by text message, email or fax a copy of the proof of citizenship if the technology is available. The county registrar shall update the voter's citizenship status and instruct the Poll Manager to override the X status and change the voter to A status in ExpressPoll. The Poll Worker could then issue that voter a voter access card.
 - 3. If that technology is not available to the poll manager, the voter shall be offered the opportunity to cast a provisional ballot. The provisional ballot envelope shall be marked "CIZ" to confirm that the applicant presented one of the forms of acceptable proof of citizenship and ID, and the provisional ballot shall be counted as a vote without requiring any further action on the part of the voter.
 - **4.** If the voter does not have proof of citizenship, the voter should be directed to the provisional ballot station to cast a provisional ballot. The voter will need to present citizenship documentation in person, via fax, email, or text to the county registrar's office before end of business on Friday, 11/9/18 to resolve their provisional status.





October 25, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Order Regarding Rejected Absentee Ballots and Applications for Signature

Non-Match

District Judge Leigh May has just issued a preliminary injunction ("Order") regarding absentee ballot applications and absentee ballots where there was a rejection solely due to a signature mismatch. The Order is attached to this OEB. Our office is asking the Judge to stay the Order and will appeal the Judge's Order. However, you should follow the Judge's Order completely with all appropriate haste despite our appeal, but also in a manner that ensures accuracy and integrity. The scope of the Order is for this current election and includes all absentee ballot applications and absentee ballots that are rejected solely on the basis of signature mismatch where the voter has not since voted an accepted ballot. Below is guidance on following the Order and detailed technical instructions on implementing the Order in a way that maintains election integrity.

The Judge has ordered counties not to reject absentee ballots or absentee ballot applications solely on the basis of signature mismatches. For absentee ballots that would normally be rejected solely for signature mismatch, the ballots should be deemed provisional and held separate and apart from the other absentee ballots in accordance with State Election Board Rule 183-1-14-.03(2). A prerejection notice with instructions on how the voter may confirm his or her identity must be sent to the voter, and the voter must be provided an opportunity to resolve the alleged signature discrepancy up until the county certification of the election. The notice shall be sent via first-class mail and also electronic means, if you have the voter's e-mail address. This requirement applies both to absentee ballots that have already been rejected for signature mismatch and to future ballots that you receive that you would otherwise reject for a signature mismatch.

For absentee ballot applications that would normally be rejected solely for signature mismatch, a provisional absentee ballot must be issued along with instructions on how the voter may confirm his or her identity when the ballot is received. The outer envelope of the absentee ballot shall be appropriately marked as provisional. This process applies both to absentee ballots applications that have already been rejected for signature mismatch and to future ballot applications that you receive.

Pursuant to the Order, each county must establish a process that gives the voter an opportunity to cure the signature mismatch. The Order says, "This process shall be done in good faith and is limited to confirming the identity of the absentee voter consistent with existing voter identification laws. See O.C.G.A. §§ 21-2-417, -417.1". The process you establish in your county needs to be GA-DOUGHERTY-19-0670-A-000067.

included in the instructions that you issue with the provisional absentee ballots and in the prerejection notices that you send regarding any absentee ballot. Again, this process is limited to applications and ballots rejected solely on the basis of signature mismatches and does not apply to voters who have already cast an accepted ballot.

Absentee voters have a right to appeal any absentee ballot rejection due to signature mismatch consistent with the process in O.C.G.A § 21-2-229(e). Any aforementioned appeals that are not resolved as of 5 p.m. on the day of the certification deadline shall not delay certification and shall not require recertification of election results unless those votes would change the outcome of the election.

TECHNICAL INSTRUCTIONS

Absentee Ballot Applications

Applications that have already been rejected in ElectioNet

- Identify all absentee ballot applications rejected solely for the reason of a signature mismatch.
 - The report found under Reports > Public Reports > Absentee Reports > Absentee
 Voter Report can be used as a tool to assist in this process if absentee ballot
 application rejection reasons are being entered into the system by absentee ballot
 clerks.
 - Column R (Application Status) in this report contains the absentee ballot application status.
 - $\bullet \quad A-Accepted$
 - R Rejected
 - Column T (Status Reason) in this report contains the absentee ballot application status reason.
 - It is a best practice to review all rejected absentee ballot applications to ensure full compliance. The absentee voter report will only contain the rejection reason if it was input by county users.
- Once you have identified the affected voters, issue them a provisional absentee ballot using the current date for the application and issue date.
 - Absentee Ballots can be marked as provisional in ElectioNet in the "Ballot Returned Information" section of an absentee ballot entry.
 - Check the box labeled "Select if Ballot was Provisional/Challenged."
 - Select the Provisional / Challenged Status of "Challenge Not Removed."
 - Select the Provisional / Challenged Reason of "Signature Non-Match."
- If the provisional absentee ballot is returned to the registrar with a properly completed oath and the identity of the voter is confirmed, the challenge should be removed and the ballot accepted.
 - Open the absentee voter's provisional ballot record for the 11/6/18 election in the absentee module of ElectioNet.
 - o Expand the "Ballot Returned Information" section of an absentee ballot entry.
 - o Update the Provisional / Challenged Status to "Challenge Removed."
 - o Select the checkbox next to "Select if Ballot Accepted."
 - o If necessary, update the "Date Ballot Received" and/or "Time Ballot Received."



Applications received after today containing a non-match signature

- Issue a provisional absentee ballot using the current date for the application and issue date.
 - O Absentee Ballots can be marked as provisional in ElectioNet in the "Ballot Returned Information" section of an absentee ballot entry.
 - Check the box labeled "Select if Ballot was Provisional/Challenged."
 - Select the Provisional / Challenged Status of "Challenge Not Removed."
 - Select the Provisional / Challenged Reason of "Signature Non-Match."
- If the provisional absentee ballot is returned to the registrar with a properly completed oath and the identity of the voter is confirmed, the challenge should be removed and the ballot accepted.
 - Open the absentee voter's provisional ballot record for the 11/6/18 election in the absentee module of ElectioNet.
 - o Expand the "Ballot Returned Information" section of an absentee ballot entry.
 - o Update the Provisional / Challenged Status to "Challenge Removed."
 - o Select the checkbox next to "Select if Ballot Accepted."
 - o If necessary, update the "Date Ballot Received" and/or "Time Ballot Received."

Absentee Ballots

Ballots that have already been rejected in ElectioNet

- Identify all absentee ballots rejected solely for the reason of a signature mismatch.
 - The report found under Reports > Public Reports > Absentee Reports > Absentee
 Voter Report can be used as a tool to assist in this process if absentee ballot rejection reasons are being entered into the system by absentee ballot clerks.
 - Column S (Ballot Status) in this report contains the absentee ballot status.
 - A Accepted
 - C Cancelled
 - S Spoiled
 - R Rejected
 - Column T (Status Reason) in this report contains the absentee ballot application status reason.
 - It is a best practice to review all rejected absentee ballots to ensure full compliance. The absentee voter report will only contain the rejection reason if it was input by county users.
- Once you have identified these voters, you will need to update their status in eNet to indicate that they now have a provisional absentee ballot outstanding. You will not mail them a new ballot, but you will mail them the required pre-rejection notice.
 - Pull up the voter in the absentee module of ElectioNet under Activities > Absentee
 Ballots > Search Absentee Ballots.
 - o Select the Add button near the bottom of the page.
 - o Enter the current date as a ballot request date.
 - o The checkbox next to "Select if Multiple Ballot Requested" will default to be checked. You are required to make a selection in the dropdown menu labeled "Multiple Request Reason." Select "Rejected Ballot that has been re-issued."
 - o In the "Ballot Issued Information" section, select the current date as the Mailed Date.
 - o In the "Ballot Returned Information" section, check the box labeled "Select if Ballot was Provisional/Challenged."



- o Select the Provisional / Challenged Status of "Challenge Not Removed."
- o Select the Provisional / Challenged Reason of "Signature Non-Match."
- After the identity of the voter is confirmed pursuant to the process you put in place, the challenge should be removed and the ballot accepted.
 - Open the absentee voter's provisional ballot record for the 11/6/18 election in the absentee module of ElectioNet.
 - o Expand the "Ballot Returned Information" section of an absentee ballot entry.
 - o Update the Provisional / Challenged Status to "Challenge Removed."
 - o Select the checkbox next to "Select if Ballot Accepted."
 - o If necessary, update the "Date Ballot Received" and/or "Time Ballot Received."

Ballots with a Signature Mismatch that are Not Yet Rejected

- Mark the ballot as provisional in the absentee ballot module of eNet.
 - Open the absentee voter's record for the 11/6/18 election in the absentee module of ElectioNet.
 - o Expand the "Ballot Returned Information" section of an absentee ballot entry.
 - o Check the box labeled "Select if Ballot was Provisional/Challenged."
 - o Select the Provisional / Challenged Status of "Challenge Not Removed."
 - o Select the Provisional / Challenged Reason of "Signature Non-Match."
- After the identity of the voter is confirmed pursuant to the process you put in place, the challenge should be removed and the ballot accepted.
 - Open the absentee voter's provisional ballot record for the 11/6/18 election in the absentee module of ElectioNet.
 - o Expand the "Ballot Returned Information" section of an absentee ballot entry.
 - o Update the Provisional / Challenged Status to "Challenge Removed."
 - o Select the checkbox next to "Select if Ballot Accepted."
 - o If necessary, update the "Date Ballot Received" and/or "Time Ballot Received."



IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RHONDA J. MARTIN, et al.,	:	
Plaintiffs, v. BRIAN KEMP, <i>et al.</i> ,	: : : : : : : : : : : : : : : : : : : :	CIVIL ACTION NO. 1:18-CV-4776-LMM
Defendants.	:	
GEORGIA MUSLIM VOTER PROJECT, <i>et al.</i> , Plaintiffs,	: : : :	
v.	:	
BRIAN KEMP, et al.,	: : :	CIVIL ACTION NO. 1:18-CV-4789-LMM
Defendants.	:	



TEMPORARY RESTRAINING ORDER

Based upon the Court's prior findings, see Martin Dkt. No. [23]; GMVP Dkt. No. [28], the Secretary of State's Office shall issue the following instructions to all county boards of registrars, boards of elections, election superintendents, and absentee clerks:

1) All county elections officials responsible for processing absentee ballots shall not reject any absentee ballots due to an alleged signature mismatch. Instead, for all ballots where a signature mismatch is perceived, the county elections official shall treat this absentee ballot as a provisional ballot, which shall be held separate and apart from the other absentee ballots. <u>See</u> O.C.G.A. § 21-2-419; Ga. Comp. R. & Regs. 183-1-14-.03(2). The county elections official shall then provide pre-rejection notice and an opportunity to resolve the alleged signature discrepancy to the absentee voter. This process shall be done in good faith and is limited to confirming the identity of the absentee voter consistent with existing voter identification laws. <u>See</u> O.C.G.A. §§ 21-2-417, -417.1. The elections official is required to send rejection notice via first-class mail and also electronic means, as available or as otherwise required by law. <u>See O.C.G.A. § 21-2-384(a)(2)</u>. This process shall include allowing the absentee voter to send or rely upon a duly authorized attorney or attorney in fact to present proper identification. This process shall be done prior to the certification of the consolidated returns of the election by the election superintendent. <u>See</u>



- O.C.G.A. § 21-2-230(g). The absentee voter shall have the right to appeal any absentee ballot rejection following the outcome of the aforementioned process, as designated in O.C.G.A. § 21-2-229(e). Any aforementioned appeals that are not resolved as of 5 p.m. on the day of the certification deadline shall not delay certification and shall not require recertification of the election results unless those votes would change the outcome of the election. See O.C.G.A. § 21-2-493(l).
- 2) All county elections officials responsible for processing absentee ballot applications shall not reject any absentee ballot application due to an alleged signature mismatch. Instead, for all ballot applications where a signature mismatch is perceived, the county elections official shall, in addition to the procedure specified in O.C.G.A. § 21-2-381(b), provide a provisional absentee ballot to the absentee voter along with information as to the process that will be followed in reviewing the provisional ballot. The outer envelope of the absentee ballot provided shall be marked provisional. Once any provisional ballot is received, the procedure outlined in section 1 above is to be followed.
- 3) This injunction applies to all absentee ballot applications and absentee ballots rejected solely on the basis of signature mismatches submitted in this current election. This injunction does not apply to voters who have already cast an in-person vote.



IT IS SO ORDERED this 25th day of October, 2018.

Leigh Martin May

United States District Judge

him Martin May





November 1, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: International Election Observers

As in past years, there may be observers in and around polling places on Election Day and the last days of advance voting. Specifically, there are two groups of international election observers from the Office of Democratic Institutions and Human Rights (OSCE). This organization works with the U.S. State Department to observe elections in the United States.

Election Observers are <u>not</u> Poll Watchers.

Poll Watchers are specified under O.C.G.A. 21-2-408, and only properly credentialed Poll Watchers are granted specific access to polling places (see OEB dated October 17, 2018.) Election Observers have no specific privileges and get no specific access to any non-public area of a polling place. They are allowed the same access of a member of the public.

In addition, any member of the public who is at a polling place is subject to the same conditions of O.C.G.A. 21-2-413 and O.C.G.A. 21-2-414 as well as other applicable laws and State Election Board Rules which include, but are not limited to:

Using cell phones or recording devices

Taking photographs

Interfering with election officials or voters

Displaying campaign materials or soliciting votes

Under O.C.G.A. 21-2-414(b)(2), "Except for credentialed poll watchers, poll workers, and law enforcement officers, poll managers may manage the number of persons allowed in the polling place to prevent confusion, congestion, and inconvenience to voters."

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ACCEPTABLE PROOF OF CITIZENSHIP

- (1) Birth certificate, issued by a U.S. State (if the person was born in the U.S.), or by the U.S. Department of State (if the person was born overseas and the parents registered the child's birth and U.S. citizenship at birth with the U.S. Embassy or Consulate).
- (2) U.S. Passport, issued by the U.S. Department of State.
- (3) Certificate of Citizenship, issued to a person born outside the U.S. who was still a U.S. citizen at birth, or to a person who later automatically became a U.S. citizen.
- (4) Naturalization Certificate, issued to a person who became a U.S. citizen after birth through the naturalization process.
- (5) A Report of Birth Abroad of a U.S. Citizen.
- (6) A Certification of birth issued by the Department of State.
- (7) A U.S. Citizen ID card.
- (8) An American Indian Card issued by the Department of Homeland Security with the classification code "KIC" (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).
- (9) Final adoption decree showing the child's name and U.S. birthplace.
- (10) Evidence of civil service employment by the U.S. government before June 1976.
- (11) An official U.S. military record of service showing a U.S. place of birth.
- (12) A Northern Mariana Identification Card (Issued by the INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986).
- (13) Extract of U.S. hospital record of birth established at the time of the person's birth indicating a U.S. place of birth.
- (14) Life or health or other insurance record which indicates a U.S. place of birth and which is dated at least 5 years before the initial application date.
- (15) Federal or State census record which indicates U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950).
- (16) Institutional admission papers from a nursing home, skilled nursing care facility or other institution which indicates a U.S. place of birth.
- (17) Medical (clinical, doctor, or hospital) record which indicates a U.S. place of birth and which is dated at least 5 years before the application date.
- (18) A driver's license or identification card issued by an agency of a U.S. state if that agency indicates on the driver's license or identification card that the applicant has provided satisfactory evidence of United States citizenship to the agency.
- (19) Other document that was created at least 5 years before the application. Document must be one of the following and show a U.S. place of birth: Seneca Indian tribal census record; Bureau of Indian Affairs tribal census records of the Navaho Indians; U.S. State Vital Statistics official notification of birth registration; an amended or delayed U.S. public birth record that is amended more than 5 years after the person's birth; or statement signed by the physician or midwife who was in attendance at the time of birth.
- (20) If other forms of documentation cannot be obtained, documentation may be provided by a written affidavit, signed under penalty of perjury, from two citizens, one of whom cannot be related to the person in question, who have specific knowledge of event(s) establishing the person in question's citizenship status. The person in question or another knowledgeable individual must also submit an affidavit stating why the documents are not available. Affidavits are only expected to be used in rare circumstances.



Write-In Tabulation and Reporting Procedures

Am I required to report the total number of valid write-in votes? Every county must report the total number of valid write-in votes cast for all qualified write-in candidates on form CR-GE-18.

When should I report write-in vote totals? Write-in candidate reports should not be generated until after you have uploaded all valid provisional and UOCAVA ballots. Also, vote totals received for certified write-in candidates must be included when determining final percentages for the specific office for which they were cast.

How are write-in votes on optical scan ballots counted? For any election for which there is a qualified write-in candidate, the feature on the optical scan tabulators allowing separation of write-in votes must be utilized.

How do I report the total number of write-in votes? GEMS does not add the total votes cast for write-in candidates from optical scan and touchscreen ballots together for you. The report that is generated from GEMS only provides the names of write-in votes cast on the touchscreen units. You will need to combine the number of votes for each valid write-in candidate cast on optical scan ballots with the number of votes for each valid write-in candidate cast on touchscreen ballots. The total must then be reported on the form titled "Certification of Returns" for the specific election held.

The most helpful reports for counting write-in votes are:

- AccuVote-TS Write-In Race Summary Report: displays write-in votes by race and totals same text entries
- AccuVote-TS Write-In Report: lists each write-in and in what vote center it was cast
- AccuVote-TS Write-In Summary Report: displays the write-in votes cast by ballot

Should I count *any* vote that is written in the blank for a write in candidate? The superintendent, in computing the votes cast at any election, shall compute and certify only those write-in votes properly cast for candidates who have given proper notice of intent to be a write-in candidate exactly as such names are written by the elector. See O.C.G.A. §§ 21-2-486, 21-2-494, and 21-2-133. In no event shall votes cast for write-in candidates who have not qualified in accordance with O.C.G.A. § 21-2-133 be counted or recorded. See SEB Rule 183-1-15-.02(5).

A vote for a qualified write-in candidate should be counted even though the name as written on the ballot is abbreviated or misspelled if "the elector has marked his or her ballot in such a manner that he or she has indicated clearly and without question the candidate for whom he or she desires to cast his or her vote." See O.C.G.A. § 21-2-438(c) and SEB Rule 183-1-15-.02(3)(d).

If the vote for a qualified write-in candidate is cast on a Federal Write-in Absentee Ballot (FWAB), any abbreviation, misspelling, or other minor variation in the form of the name of the candidate should be disregarded if the intention of the elector can be ascertained. See O.C.G.A. § 21-2-381.1(d)(3).



Can a sticker, poster or stamp be used for a write-in candidate? The names of persons inserted on the ballot by the elector shall be written only within the write-in space provided and the insertion of such names outside such column or by the use of a sticker, poster, stamp, or other printed or written matter is prohibited. See O.C.G.A. § 21-2-285(b)(2); see also O.C.G.A. § 21-2-480(b)(3).

What is the procedure if a voter fills in the oval adjacent to a candidate's name and writes the name of a different qualified candidate in the write-in space? If any vote cast for an office on the ballot exceeds the allowed number for such office (i.e., the voter fills in the oval adjacent to a candidate's name and then marks the oval adjacent to the write-in space and writes the name of a qualified candidate in the space), the votes cast for that office shall not be counted. In the discretion of the superintendent, either a duplicate ballot shall be made on which any invalid vote must be omitted or the ballot shall be counted in such a manner as will omit the invalid vote. See O.C.G.A. § 21-2-483(e).

What is the procedure if a voter fills in the oval adjacent to a candidate's name and writes the name of the same candidate in the write-in space? In reviewing an optical scan ballot which has been rejected as containing an overvote in accordance with O.C.G.A. § 21-2-483(g)(2), if the voter filled in the oval next to the name of a candidate whose name appears on the ballot and filled in the oval adjacent to the write-in space and wrote the name of the same candidate in the write-in space for the same office, the properly cast vote shall be counted and the write-in vote shall be ignored. See SEB Rule 183-1-15-.02(3)(b).





November 9, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Write-in Votes Reporting

Write-In Candidate Count Procedures

Every county must report the total number of valid write-in votes cast for all qualified write-in candidates. You will need to combine the number of votes cast for each valid write-in candidate on optical scan ballots with the number of votes cast for each valid write-in candidate on touchscreen ballots. The total must then be reported on the form titled "CONSOLIDATED MUNICIPAL/COUNTY CERTIFICATION OF RETURNS FOR:," form number CR-SCM-DRE-03-C.

GEMS does not add the total votes cast for write-in candidates from optical scan and touchscreen ballots together for you. The report that is generated from GEMS only provides the names of write-ins cast on the touchscreen units.

I am attaching a list of write-in votes FAQs for your reference.

Please contact your liaison if you have additional questions.





November 13, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: County Certification Deadline and Election Material Return Date Unchanged

District Court Judge Amy Totenberg issued an injunction ("Order") last night in one of the cases related to this election. The Order does not change or modify today's 5:00 PM deadline for counties to certify results. The Order says that the Secretary of State cannot certify the results until Friday.

Once we receive the certified returns from the county superintendents on Wednesday, pursuant to the Order, our office will direct the counties with 100 or more provisional ballots to "engage in a good faith review of the eligibility of voters issued provisional ballots due to code PR ('provisional registration'), using all available registration documentation." The PR code is used when the county's electors list does not reflect that the person is a registered voter. As a reminder, you have several tools at your disposal when reviewing PR provisional ballots. ENET has a lot of information in each voter's record, including an audit tab that shows when changes were made to the record. You also have access to MVC (Motor Voter Confirmation) that can be used to see if a voter attempted to register through the Department of Driver Services. You can also check your paper and scanned records.

Given the tight time schedule between certification and the December 4th runoff elections, it is critically important that everyone provides their election materials on time for tomorrow's election return pickup. Remember, you must have your election return materials to your designated GSP outpost tomorrow November 14, 2018 by 10:00 AM. Detailed instructions are on Firefly at Official Communications > 2018 General Information > Ballot Run - Election Returns Pickup November 14 2018. If you have questions or unique needs, you must coordinate with Chief Investigator Russell Lewis at 404-656-4793 or rlewis@sos.ga.gov.





November 14, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Secretary of State Public Website for Provisional Ballot Information

Per the order of Judge Totenberg of November 13, 2018 regarding provisional ballots, Secretary of State Robyn Crittenden is directing each county election superintendent to publicize the following information on their county and county election office websites.

If a county or county election office does not maintain a website, this information should be published at other locations or websites that may be reasonable (social media sites, county offices, etc.)

Publish the following information:

The Secretary of State's Office has established a secure website and free-access telephone number for provisional ballot voters to access to determine whether their provisional ballots were counted and if not, the reason why.

The website is

http://sos.ga.gov/index.php/elections/check your provisional ballot status for november 6 2018 election

The free access number is 1-844-537-5375.



CERTIFICATION REGARDING "PR" PROVISIONAL BALLOT REVIEW

COUNTY:	
Ι	, on behalf of the Superintendent of Elections
for the above named county, he	ereby certify that on the day of November, 2018,
all rejected "PR" coded provis	sional ballots were reviewed to determine whether any
ballot was improperly rejected	1.
The result of this review yield	ed the following result: (Initial One)
There wer	re no changes to our results after completing this
review.	
We identify	ied ballots that were improperly rejected. We
have updated the results	s to include those ballots and recertified.
	Signature Printed Name: Title:
Sworn to and subscribed before me this day of November, 2018.	
Notary Public	



CONFIRMATION FORM REGARDING ABSENTEE BY MAIL BALLOTS

COUNTY:
I, on behalf of the Superintendent of Elections
for the above named county, hereby confirm that on the day of November,
2018, all rejected absentee ballots were reviewed to confirm that none were rejected
solely because of an error or omission in the date of birth (or year of birth) on the
oath envelope. If any ballots were previously rejected solely because of an error or
omission in the date of birth (or year of birth), those ballots have been counted and
added to the certified results.
The result of this review yielded the following result: (Initial One)
There were no changes to our results after completing this
review.
We identified ballots that had been rejected solely because
of an error or omission in the date of birth. We have updated the results to
include those ballots and recertified.
Signature Printed Name: Title:
Sworn to and subscribed before me this day of November, 2018.



November 21, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Reminders about Existing Orders for Runoff Election

Several judges' orders remain in effect for the runoff election. You must review this information and comply with these orders. The previous OEBs explaining how to comply with those orders are attached, and additional guidance is below.

Signature Mismatches on Absentee Ballot Applications and Absentee Ballots

OEB dated 10-25-18 titled; "Order Regarding Rejected Absentee Ballots and Applications for Signature Non-Match" is on Firefly and gives specific instructions on what to do with signature mismatches on absentee ballot applications and absentee ballot envelopes. When the signature on an **absentee ballot application** does not match the signature on file, you should issue a provisional absentee ballot with instructions on how the voter may cure the non-match. When the signature on the **absentee ballot oath envelope** does not match the signature on file, the voter should receive notice and an opportunity to cure the non-matched signature by verifying their identity. More thorough instructions are in the 10-25-18 OEB. You should continue to follow this process for the runoff election.

Missing/Erroneous Information on Date of Birth/Year of Birth on Absentee Ballot Envelopes

OEB dated 11-15-2018 titled; "Post-Election Absentee Order from Judge Jones" is on Firefly and gives specific instructions that errors or omissions in "date of birth/year of birth" may not be the sole reason to reject an absentee ballot. In reviewing absentee ballots, your goal is to verify the identity of the voter. That is done by matching the signatures for absentee ballots with their registration, and - *if necessary* - looking at other material information that helps the registrar to verify the voter. This might include the voter's Page 1 of 2



address or other material, identifying information. However, Judge Jones has determined that an error in the "date of birth/year of birth," in and of itself, is not such a material omission to permit rejecting the ballot based solely on that point.

Pending Citizenship Registrations At Voting Locations

OEB dated 11-2-18 titled; "Pending Citizenship Registrations at Voting Locations" is on Firefly and references an order from Judge Ross that ordered that **poll managers**, in addition to deputy registrars, be allowed to verify proof of citizenship at the polls for voters that are marked in ExpressPoll with an "X" (Pending Citizenship Verification). The order further provides that a list of acceptable documentation to prove citizenship be posted at polling places. More detailed instructions are available in the OEB.

Hotline for Provisional Ballot Information

OEB dated 11-14-18 titled; "Direction for Publicizing Provisional Ballot Website and Phone Number" is on Firefly and references an order from Judge Totenberg that the Secretary of State establish a hotline where voters can check the status of their provisional ballots. The hotline number is 1-844-537-5375. This number should be publicized on your county website in addition to your county phone number that voters can call to check the status of their provisional ballot. As a reminder, state law already requires every county to have a phone number that a voter can call to check the status of their provisional ballot. This number is required to be given out with every provisional ballot. The Secretary of State hotline is not meant to replace this county responsibility.

Thorough Review of all "PR" Provisional Ballots

OEB dated 11-14-18 titled; "Direction to Review Provisional Ballots Coded PR" is on Firefly and references an order from Judge Totenberg for counties to perform a "good faith review" of all "PR" provisional ballots using all available information. For the runoff, counties should perform a good-faith review of "PR" provisional ballots, using all available information (including information provided by the voter). While we will not require a separate affidavit from each county, your certification of the results will indicate that the standard set forth in the OEB is the one you followed as you made your provisional ballot determinations. More specific guidance is available in the OEB. For the runoff election, the deadline to make provisional ballot determinations is the normal deadline of 3 days after the election. It is best practice to double check your work on all provisional ballots to ensure that your determination is proper.







October 25, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Order Regarding Rejected Absentee Ballots and Applications for Signature

Non-Match

District Judge Leigh May has just issued a preliminary injunction ("Order") regarding absentee ballot applications and absentee ballots where there was a rejection solely due to a signature mismatch. The Order is attached to this OEB. Our office is asking the Judge to stay the Order and will appeal the Judge's Order. However, you should follow the Judge's Order completely with all appropriate haste despite our appeal, but also in a manner that ensures accuracy and integrity. The scope of the Order is for this current election and includes all absentee ballot applications and absentee ballots that are rejected solely on the basis of signature mismatch where the voter has not since voted an accepted ballot. Below is guidance on following the Order and detailed technical instructions on implementing the Order in a way that maintains election integrity.

The Judge has ordered counties not to reject absentee ballots or absentee ballot applications solely on the basis of signature mismatches. For absentee ballots that would normally be rejected solely for signature mismatch, the ballots should be deemed provisional and held separate and apart from the other absentee ballots in accordance with State Election Board Rule 183-1-14-.03(2). A prerejection notice with instructions on how the voter may confirm his or her identity must be sent to the voter, and the voter must be provided an opportunity to resolve the alleged signature discrepancy up until the county certification of the election. The notice shall be sent via first-class mail and also electronic means, if you have the voter's e-mail address. This requirement applies both to absentee ballots that have already been rejected for signature mismatch and to future ballots that you receive that you would otherwise reject for a signature mismatch.

For absentee ballot applications that would normally be rejected solely for signature mismatch, a provisional absentee ballot must be issued along with instructions on how the voter may confirm his or her identity when the ballot is received. The outer envelope of the absentee ballot shall be appropriately marked as provisional. This process applies both to absentee ballots applications that have already been rejected for signature mismatch and to future ballot applications that you receive.

Pursuant to the Order, each county must establish a process that gives the voter an opportunity to cure the signature mismatch. The Order says, "This process shall be done in good faith and is limited to confirming the identity of the absentee voter consistent with existing voter identification laws. See O.C.G.A. §§ 21-2-417, -417.1". The process you establish in your county needs to be GA-DOUGHERTY-19-0670-A-000086

included in the instructions that you issue with the provisional absentee ballots and in the prerejection notices that you send regarding any absentee ballot. Again, this process is limited to applications and ballots rejected solely on the basis of signature mismatches and does not apply to voters who have already cast an accepted ballot.

Absentee voters have a right to appeal any absentee ballot rejection due to signature mismatch consistent with the process in O.C.G.A § 21-2-229(e). Any aforementioned appeals that are not resolved as of 5 p.m. on the day of the certification deadline shall not delay certification and shall not require recertification of election results unless those votes would change the outcome of the election.

TECHNICAL INSTRUCTIONS

Absentee Ballot Applications

Applications that have already been rejected in ElectioNet

- Identify all absentee ballot applications rejected solely for the reason of a signature mismatch.
 - The report found under Reports > Public Reports > Absentee Reports > Absentee
 Voter Report can be used as a tool to assist in this process if absentee ballot
 application rejection reasons are being entered into the system by absentee ballot
 clerks.
 - Column R (Application Status) in this report contains the absentee ballot application status.
 - \bullet A Accepted
 - R Rejected
 - Column T (Status Reason) in this report contains the absentee ballot application status reason.
 - It is a best practice to review all rejected absentee ballot applications to ensure full compliance. The absentee voter report will only contain the rejection reason if it was input by county users.
- Once you have identified the affected voters, issue them a provisional absentee ballot using the current date for the application and issue date.
 - Absentee Ballots can be marked as provisional in ElectioNet in the "Ballot Returned Information" section of an absentee ballot entry.
 - Check the box labeled "Select if Ballot was Provisional/Challenged."
 - Select the Provisional / Challenged Status of "Challenge Not Removed."
 - Select the Provisional / Challenged Reason of "Signature Non-Match."
- If the provisional absentee ballot is returned to the registrar with a properly completed oath and the identity of the voter is confirmed, the challenge should be removed and the ballot accepted.
 - Open the absentee voter's provisional ballot record for the 11/6/18 election in the absentee module of ElectioNet.
 - o Expand the "Ballot Returned Information" section of an absentee ballot entry.
 - o Update the Provisional / Challenged Status to "Challenge Removed."
 - o Select the checkbox next to "Select if Ballot Accepted."
 - o If necessary, update the "Date Ballot Received" and/or "Time Ballot Received."



Applications received after today containing a non-match signature

- Issue a provisional absentee ballot using the current date for the application and issue date.
 - O Absentee Ballots can be marked as provisional in ElectioNet in the "Ballot Returned Information" section of an absentee ballot entry.
 - Check the box labeled "Select if Ballot was Provisional/Challenged."
 - Select the Provisional / Challenged Status of "Challenge Not Removed."
 - Select the Provisional / Challenged Reason of "Signature Non-Match."
- If the provisional absentee ballot is returned to the registrar with a properly completed oath and the identity of the voter is confirmed, the challenge should be removed and the ballot accepted.
 - Open the absentee voter's provisional ballot record for the 11/6/18 election in the absentee module of ElectioNet.
 - o Expand the "Ballot Returned Information" section of an absentee ballot entry.
 - o Update the Provisional / Challenged Status to "Challenge Removed."
 - o Select the checkbox next to "Select if Ballot Accepted."
 - o If necessary, update the "Date Ballot Received" and/or "Time Ballot Received."

Absentee Ballots

Ballots that have already been rejected in ElectioNet

- Identify all absentee ballots rejected solely for the reason of a signature mismatch.
 - The report found under Reports > Public Reports > Absentee Reports > Absentee
 Voter Report can be used as a tool to assist in this process if absentee ballot rejection reasons are being entered into the system by absentee ballot clerks.
 - Column S (Ballot Status) in this report contains the absentee ballot status.
 - A Accepted
 - C Cancelled
 - S Spoiled
 - R Rejected
 - Column T (Status Reason) in this report contains the absentee ballot application status reason.
 - It is a best practice to review all rejected absentee ballots to ensure full compliance. The absentee voter report will only contain the rejection reason if it was input by county users.
- Once you have identified these voters, you will need to update their status in eNet to indicate that they now have a provisional absentee ballot outstanding. You will not mail them a new ballot, but you will mail them the required pre-rejection notice.
 - Pull up the voter in the absentee module of ElectioNet under Activities > Absentee
 Ballots > Search Absentee Ballots.
 - o Select the Add button near the bottom of the page.
 - o Enter the current date as a ballot request date.
 - The checkbox next to "Select if Multiple Ballot Requested" will default to be checked. You are required to make a selection in the dropdown menu labeled "Multiple Request Reason." Select "Rejected Ballot that has been re-issued."
 - o In the "Ballot Issued Information" section, select the current date as the Mailed Date.
 - o In the "Ballot Returned Information" section, check the box labeled "Select if Ballot was Provisional/Challenged."



- o Select the Provisional / Challenged Status of "Challenge Not Removed."
- o Select the Provisional / Challenged Reason of "Signature Non-Match."
- After the identity of the voter is confirmed pursuant to the process you put in place, the challenge should be removed and the ballot accepted.
 - Open the absentee voter's provisional ballot record for the 11/6/18 election in the absentee module of ElectioNet.
 - o Expand the "Ballot Returned Information" section of an absentee ballot entry.
 - o Update the Provisional / Challenged Status to "Challenge Removed."
 - o Select the checkbox next to "Select if Ballot Accepted."
 - o If necessary, update the "Date Ballot Received" and/or "Time Ballot Received."

Ballots with a Signature Mismatch that are Not Yet Rejected

- Mark the ballot as provisional in the absentee ballot module of eNet.
 - Open the absentee voter's record for the 11/6/18 election in the absentee module of ElectioNet.
 - o Expand the "Ballot Returned Information" section of an absentee ballot entry.
 - o Check the box labeled "Select if Ballot was Provisional/Challenged."
 - o Select the Provisional / Challenged Status of "Challenge Not Removed."
 - o Select the Provisional / Challenged Reason of "Signature Non-Match."
- After the identity of the voter is confirmed pursuant to the process you put in place, the challenge should be removed and the ballot accepted.
 - Open the absentee voter's provisional ballot record for the 11/6/18 election in the absentee module of ElectioNet.
 - o Expand the "Ballot Returned Information" section of an absentee ballot entry.
 - o Update the Provisional / Challenged Status to "Challenge Removed."
 - o Select the checkbox next to "Select if Ballot Accepted."
 - o If necessary, update the "Date Ballot Received" and/or "Time Ballot Received."



IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

RHONDA J. MARTIN, et al.,	:	
Plaintiffs, v. BRIAN KEMP, <i>et al.</i> ,	: : : : : : : : : : : : : : : : : : : :	CIVIL ACTION NO. 1:18-CV-4776-LMM
Defendants.	:	
GEORGIA MUSLIM VOTER PROJECT, <i>et al.</i> , Plaintiffs,	: : : :	
v.	:	
BRIAN KEMP, et al.,	: : :	CIVIL ACTION NO. 1:18-CV-4789-LMM
Defendants.	:	



TEMPORARY RESTRAINING ORDER

Based upon the Court's prior findings, see Martin Dkt. No. [23]; GMVP Dkt. No. [28], the Secretary of State's Office shall issue the following instructions to all county boards of registrars, boards of elections, election superintendents, and absentee clerks:

1) All county elections officials responsible for processing absentee ballots shall not reject any absentee ballots due to an alleged signature mismatch. Instead, for all ballots where a signature mismatch is perceived, the county elections official shall treat this absentee ballot as a provisional ballot, which shall be held separate and apart from the other absentee ballots. <u>See</u> O.C.G.A. § 21-2-419; Ga. Comp. R. & Regs. 183-1-14-.03(2). The county elections official shall then provide pre-rejection notice and an opportunity to resolve the alleged signature discrepancy to the absentee voter. This process shall be done in good faith and is limited to confirming the identity of the absentee voter consistent with existing voter identification laws. <u>See</u> O.C.G.A. §§ 21-2-417, -417.1. The elections official is required to send rejection notice via first-class mail and also electronic means, as available or as otherwise required by law. <u>See O.C.G.A. § 21-2-384(a)(2)</u>. This process shall include allowing the absentee voter to send or rely upon a duly authorized attorney or attorney in fact to present proper identification. This process shall be done prior to the certification of the consolidated returns of the election by the election superintendent. <u>See</u>



- O.C.G.A. § 21-2-230(g). The absentee voter shall have the right to appeal any absentee ballot rejection following the outcome of the aforementioned process, as designated in O.C.G.A. § 21-2-229(e). Any aforementioned appeals that are not resolved as of 5 p.m. on the day of the certification deadline shall not delay certification and shall not require recertification of the election results unless those votes would change the outcome of the election. See O.C.G.A. § 21-2-493(l).
- 2) All county elections officials responsible for processing absentee ballot applications shall not reject any absentee ballot application due to an alleged signature mismatch. Instead, for all ballot applications where a signature mismatch is perceived, the county elections official shall, in addition to the procedure specified in O.C.G.A. § 21-2-381(b), provide a provisional absentee ballot to the absentee voter along with information as to the process that will be followed in reviewing the provisional ballot. The outer envelope of the absentee ballot provided shall be marked provisional. Once any provisional ballot is received, the procedure outlined in section 1 above is to be followed.
- 3) This injunction applies to all absentee ballot applications and absentee ballots rejected solely on the basis of signature mismatches submitted in this current election. This injunction does not apply to voters who have already cast an in-person vote.



IT IS SO ORDERED this 25th day of October, 2018.

Leigh Martin May United States District Judge

him Martin May



November 15, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Order from Judge Jones Regarding Reviewing Absentee Ballots

On November 14, 2018, United States District Judge Steve Jones issued an order directing the Secretary of State to ensure that each county's certified returns include the counts for absentee ballots where the date of birth was omitted or incorrect. Pursuant to that Order, Secretary of State Crittenden hereby directs the county election superintendents/registrars of each county to undertake the below actions immediately:

- 1. Review each rejected absentee mail ballot to ensure that none were rejected solely because of an error or omission in the date of birth on the oath envelope.
- 2. If any absentee mail ballot was rejected solely because of an error or omission in the date of birth, you should count that ballot unless that voter cast a subsequent absentee ballot or voted on Election Day. Your Election Day numbered list of voters is in your county folder on the SFTP (Secure File Transfer Protocol).
- 3. If your vote totals change after this review, recertify the election with the updated totals and forward the new certification to the Secretary of State's Office.
- 4. Following the review, complete the attached Confirmation Form indicating that there were no changes to your results after the review or that there were changes and any absentee ballots that were rejected solely because of an error or omission in the date of birth have been added to the certified results. Return the Confirmation Form to the Secretary of State's Office.

Each of these actions must be completed **no later than 5:00 p.m. on Friday, November 16**, including recertification if necessary.



Page 1 of 1



November 2, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Pending Citizenship Registrations at Voting Locations

District Court Judge Eleanor Ross has just issued an injunction regarding the way voters in pending citizenship status are able to resolve their citizenship verification issue at the polls. The injunction will require posting information at the polls, additional training for poll managers, and a slight change to the procedure for verifying proof of citizenship at polling places. A copy of the full order is available as a separate OEB.

The Judge has ordered that **Poll Managers**, in addition to Deputy Registrars, be allowed to verify proof of citizenship at the polls. You should immediately communicate to your Poll Managers this information and the list of acceptable proof of citizenship. Please ensure that they are prepared to review and verify proof of citizenship documentation at the polls for any voter marked in the ExpressPoll with X (Pending Citizenship Verification). It is also important that poll managers separately document when someone in Pending Citizenship Verification status shows proof of citizenship and votes on the DRE so that the registrars can update the person's record in ENET after the election to reflect they are a citizen and in Active status.

The Judge has also ordered that the list of acceptable documentation to prove citizenship be posted at polling places. The list is available as a separate OEB. Below is guidance consistent with the injunction.

For the November 6, 2018 General Election, at a polling location, the individual whose registration did not match DDS records for citizenship status may provide proof of identity and acceptable proof of citizenship, to a poll manager or a deputy registrar, and after verification, cast a regular ballot. A single document that meets the standard for both proof of citizenship and photo ID is sufficient to satisfy both requirements. The following are forms of proof of citizenship:

- (1) Birth certificate, issued by a U.S. State (if the person was born in the U.S.), or by the U.S. Department of State (if the person was born overseas and the parents registered the child's birth and U.S. citizenship at birth with the U.S. Embassy or Consulate).
- (2) U.S. Passport, issued by the U.S. Department of State.
- (3) Certificate of Citizenship, issued to a person born outside the U.S. who was still a U.S. citizen at birth, or to a person who later automatically became a U.S. citizen.



- (4) Naturalization Certificate, issued to a person who became a U.S. citizen after birth through the naturalization process.
- (5) A Report of Birth Abroad of a U.S. Citizen.
- (6) A Certification of birth issued by the Department of State.
- (7) A U.S. Citizen ID card.
- (8) An American Indian Card issued by the Department of Homeland Security with the classification code "KIC" (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).
- (9) Final adoption decree showing the child's name and U.S. birthplace.
- (10) Evidence of civil service employment by the U.S. government before June 1976.
- (11) An official U.S. military record of service showing a U.S. place of birth.
- (12) A Northern Mariana Identification Card (Issued by the INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986).
- (13) Extract of U.S. hospital record of birth established at the time of the person's birth indicating a U.S. place of birth.
- (14) Life or health or other insurance record which indicates a U.S. place of birth and which is dated at least 5 years before the initial application date.
- (15) Federal or State census record which indicates U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950).
- (16) Institutional admission papers from a nursing home, skilled nursing care facility or other institution which indicates a U.S. place of birth.
- (17) Medical (clinical, doctor, or hospital) record which indicates a U.S. place of birth and which is dated at least 5 years before the application date.
- (18) A driver's license or identification card issued by an agency of a U.S. state if that agency indicates on the driver's license or identification card that the applicant has provided satisfactory evidence of United States citizenship to the agency.
 - A Georgia driver's license or ID card is proof of citizenship unless it says LIMITED-TERM.
- (19) Other document that was created at least 5 years before the application. Document must be one of the following and show a U.S. place of birth: Seneca Indian tribal census record; Bureau of Indian Affairs tribal census records of the Navaho Indians; U.S. State Vital Statistics official notification of birth registration; an amended or delayed U.S. public birth record that is amended more than 5 years after the person's birth; or statement signed by the physician or midwife who was in attendance at the time of birth.



(20) If other forms of documentation cannot be obtained, documentation may be provided by a written affidavit, signed under penalty of perjury, from two citizens, one of whom cannot be related to the person in question, who have specific knowledge of event(s) establishing the person in question's citizenship status. The person in question or another knowledgeable individual must also submit an affidavit stating why the documents are not available. Affidavits are only expected to be used in rare circumstances.

If an applicant who is in pending status due to citizenship verification does not present one of the acceptable forms of proof of citizenship when a ballot is requested during early voting or on Election Day, the applicant shall be offered the opportunity to (a) cast a provisional ballot or (b) he or she may return to the polling location (before the polls close) with sufficient proof of citizenship. The applicant shall be instructed that he or she will be required to present proof of citizenship in person, via fax, email or text to the county registrar before the close of the provisional ballot period on the Friday following the election in order for the provisional ballot to count as a vote.

INSTRUCTIONS FOR PROCESSING PENDING CITIZENSHIP VOTERS ON THE EXPRESSPOLL UNITS

PENDING VOTERS IN "X" STATUS

Voters that are in pending status due to citizenship verification will be marked in the ExpressPoll units with a status of X and highlighted in purple. When the poll worker selects the voter, he or she will see the following message, also highlighted in purple:

• "Voter has been flagged in the Voter Registration System as a possible Noncitizen. Issue the Voter a Challenged Ballot. Contact the County Registrar for individual's current status."

When a poll worker encounters a voter highlighted in the X status and highlighted in purple, the poll worker should communicate to the voter that their record is currently in pending status due to a failure to verify citizenship with the Department of Driver Services. They should then ask the voter if he or she has one of the acceptable forms of documentation of proof of citizenship. There are two possible outcomes:

- 1. If the voter has proof of citizenship with them, the Poll Manager should review the proof of citizenship and determine if it is sufficient. If it is, the Poll Manager can override the X status for the voter using their supervisor password and issue a voter access card. The Poll Manager should also document the voter's information and that proof of citizenship was provided to ensure that the registrars can update the voter's registration record to reflect he or she is a citizen and place them in Active status after the election.
- 2. If the voter does not have proof of citizenship, the voter should be directed to the provisional ballot station to cast a provisional ballot. The provisional ballot envelope is to be marked "X". The applicant shall be instructed that he or she will be required to present proof of citizenship in person, via fax, email or text to the county registrar before the close of the provisional ballot period on the Friday following the election in order for the provisional ballot to count as a vote.





November 14, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Secretary of State Public Website for Provisional Ballot Information

Per the order of Judge Totenberg of November 13, 2018 regarding provisional ballots, Secretary of State Robyn Crittenden is directing each county election superintendent to publicize the following information on their county and county election office websites.

If a county or county election office does not maintain a website, this information should be published at other locations or websites that may be reasonable (social media sites, county offices, etc.)

Publish the following information:

The Secretary of State's Office has established a secure website and free-access telephone number for provisional ballot voters to access to determine whether their provisional ballots were counted and if not, the reason why.

The website is

http://sos.ga.gov/index.php/elections/check your provisional ballot status for november 6 2018 election

The free access number is 1-844-537-5375.





November 14, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Direction to Review Provisional Ballots coded "PR"

Per the order of Judge Totenberg of November 13, 2018 regarding provisional ballots, Secretary of State Robyn Crittenden is directing each county election superintendent to execute a review of each provisional ballot cast in your county coded with "PR" designation.

This review of all "PR" provisional ballots is to be done in good faith, and using all available voter registration information documentation including, but not limited to registration information made available by voters themselves (including information from the voter provided up to and including the completion of this review which would include any affidavits or other sworn statements), rather than relying solely on the registration information in eNet. Information should also include any audit trails documenting modifications or alterations of registration data to show changes regarding a voter's registration status in the electronic database.

Additional sources of information used to conduct this review may include information from the Department of Driver Services or other state agencies such as DFCS, DNR, the library system, or any other agency of government, including other county election and registration offices.

If, during this review, a previously rejected "PR" provisional ballot is identified as a being a valid vote, that vote should be added to the vote totals and records should be corrected to reflect that the voter's vote was counted. This process should happen with any and all rejected "PR" provisional ballots that are found to be eligible votes.

At the conclusion of this review, all newly accepted "PR" provisional votes should be added to the certified vote totals and the results recertified. Each county directed to complete this procedure will be required to complete a document certifying that they have completed this review of all "PR" provisional ballots and have made any required changes to vote totals and recertification, if required.



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November 28, 2018

County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Information Regarding DRE Preservation of Election Data

This morning many of you received an email from Marilyn Marks, the Executive Director of the Coalition for Good Governance, stating that because of the lawsuit her group filed challenging the Lieutenant Governor's race; you cannot use the DREs that you used in the general election for the December 4th runoff.

Ms. Marks's communication could lead to the misunderstanding that there is some court order or legal requirement that prevents the use of DRE machines that you used in the November 6th general election. That is not so. Ms. Marks's communications may have been intended to cause that misunderstanding because preventing the use of the DRE machines is an avowed goal of Ms. Marks and her organization. Regardless of her intent, however, there is no such court order or legal requirement that prohibits the State or the counties from preparing the DRE machines for use in the upcoming runoff election.

For further information, I have attached a response from the Georgia Department of Law when similar demands were made in another case brought by her group. As you can see, the State's position is that normal preparation for the December 4th runoff will not erase any data from November 6th election and does not violate any SEB rules or duties to preserve evidence in ongoing litigation.



TO:

Germany, Ryan

From: Cristina Correia < Sent: Tuesday, November 27, 2018 2:45 PM

To: 'Bruce Brown'; Cheryl Ringer;

Cc: David Lowman; Kaye Burwell; Bryan Tyson; Germany, Ryan; Rayburn, Kevin

Subject: RE: Waiver of Service on Petition to Contest Election Result of Lieutenant Governor Race

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Bruce,

Thank you for your email. We cannot agree that the preparation of DRE machines for use in the upcoming December 4 Runoff election will in any way compromise the preservation of evidence in this matter. As counsel for the Secretary and SEB in the *Curling* matter has previously advised you, the suggestion that DRE machines be sequestered is unworkable and would frustrate

public officials' legal duties and responsibilities to execute the business of the State of Georgia, including preparations for upcoming and future elections.

In order to conduct an election, DRE units must be programed to execute the Dec. 4 Runoff Election by adding an additional election ballot. Otherwise, electors would be presented with the same candidate choices as Nov. 6's election. The addition of such data does not subtract from, or overwrite, the data previously recorded in the DRE unit's archival memory for any of the elections at issue in this case. In other words, the kind of actions the SoS and counties must undertake in order to perform an orderly election *would not erase data from the Nov.* 6th *election*. Therefore, the use of the DRE machines in an upcoming election is lawful and in keeping with the State Election Board's Rule (1-183-12-.02(6)(d)), restricting "erasure" of internal memory storage of a DRE unit.

I am happy to discuss this further if you have any questions.

Best regards, Cris Correia



Cristina Correia Senior Assistant Attorney General Office of Attorney General Chris Carr Government Services & Employment

Tel:

Georgia Department of Law 40 Capitol Square SW Atlanta, Georgia 30334



January 30, 2019

TO: County Election Officials and County Registrars

FROM: Chris Harvey, State Elections Director

RE: Open Record Requests

Multiple counties have reported receiving Open Record Requests asking for data such as DRE audit logs, copies of DRE tapes and ballot image reports and/or copies of ballot images.

Parties that have an interest in or are actually involved in active litigation with the state regarding the security of the voting system might have made some of these requests. This fact does not diminish your requirement to comply with open record requests nor does it require any extra access to information that is not normally accessible under the Open Records Act.

Ballot images are not subject to open record requests per the advice of the Attorney General's office.

Michael Barnes can help provide technical help locating some records or data if your county attorney determines that you have responsive records.

As we usually emphasize, your county/BOE attorney is the best source of advice on these matters.





April 3, 2019

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Changes in Voter Registration System on HB 316 Becoming Law

HB 316, which became law yesterday, will make a number of significant changes to elections in Georgia. Over the next few weeks and at the joint conference, we will go over these changes with you. However, there are two procedures in ENET that will have to be changed immediately as a result of HB 316 becoming law.

1. Felon Cancellations

HB 316 requires giving prior notice to a registered voter who is having their voter registration cancelled as a result of the voter serving a felony sentence. The Secretary of State's Office has temporarily put on pause the process of sending the list of persons serving felony sentences to your dashboards through ENET until we change the programming of the ENET database.

The new procedure we are creating will require the printing of a notification letter to go to the voter giving them 30 days to contest or correct the record before their voter registration is cancelled.

2. <u>Pending Verification Process: Unverified Status Changing to Active MIDR</u>

HB 316 has voter registrations that would have previously been in an "Unverified" pending status (due to a lack of a match on certain data fields) now to go into "Active" status with an MIDR flag (ID Required: YES) on their voter registration. These voters will get precinct cards and will be able to vote upon showing HAVA ID (which will remove the MIDR from the registration status.) Until we are able to reprogram ENET to handle this change, these voter registrations will continue to initially go into "Unverified" pending status in ENET, however, we will convert their "Unverified" pending status to "Active MIDR" status manually until ENET is updated to accommodate this change in the law. It is important that all MIDR letters are mailed to voters so they are informed of the steps they need to take in order to remove the MIDR flag and have their vote counted.







May 7, 2019

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Municipal Boundaries and Street Files

For Counties:

The Secretary of State's office reminds each county to send to all municipalities located within their jurisdiction, a municipal streets list to review in advance of the upcoming 2019 municipal elections. Every municipality has a streets list posted in a folder by county on Firefly under Downloads on the lower banner of Firefly, titled "Municipal Street List 2019". Please send to each municipality for review and mark any necessary changes. A Municipal Streets List Maintenance Checklist form should be sent as well. This form is located at the end of the streets list files in Firefly as well as under the Election Planner > Checklists, titled "Municipal Streets List Maintenance Checklist".

For Municipalities:

Each county registrar will send a streets list to every municipality in their jurisdiction. It is the municipalities' responsibility to review the list to ensure all streets are listed correctly. Please review for accuracy each item listed on the Maintenance Checklist. The review and return of the completed checklist with any necessary changes should be completed by June 28, 2019, to ensure sufficient time to make any changes prior to the review of the voter list.

O.C.G.A. § 21-2-226 (c)

(c) It shall be the duty of each incorporated municipality located wholly or partially within the boundaries of a county to provide a detailed map showing the municipal boundaries, municipal precinct boundaries, and voting district boundaries to the county board of registrars no later than January 1, 1995, and within 15 days of any changes in such municipal boundaries, precinct boundaries, or voting district boundaries. Upon receiving any changes in municipal boundaries, the county board of registrars shall provide to the municipality a list of all voters affected by such

Page **1** of **2**



changes with the street addresses of such electors for the purpose of verifying the changes with the municipality. Upon receiving the list of electors affected by changes in municipal boundaries, the municipality shall immediately review the information provided by the county registrars and advise the county registrars of any discrepancies.



TAC Service Desk

From: Harvey, Chris <wharvey@sos.ga.gov> Sent: Wednesday, June 5, 2019 2:25 PM To: 'acrosby@fayettecountyga.gov'; 'adavis@co.newton.ga.us'; 'adrienneray@peachcounty.net'; 'adumas@monroecountygeorgia.com'; 'aharper@troupco.org'; 'AL.MCCRANIE@YAHOO.COM'; 'ALASHIA.BROWN@YAHOO.COM'; 'amantle@co.newton.ga.us'; 'ann.russell@gmail.com'; 'APHAGAN@CO.BANKS.GA.US'; 'applingregdon@yahoo.com'; 'Ashley.Peck@LumpkinCounty.GOV'; 'ASMITH@BUTTSCOUNTY.ORG'; 'Atcoelections@hotmail.com'; 'b.peacock@crawfordcountyga.org'; 'baldwinprobate@yahoo.com'; 'bcochran@stephenscountyga.com'; 'BDAWSON@UPSONCOUNTYGA.ORG'; 'BELECTIONS@WINDSTREAM.NET'; 'berlaseter@gmail.com'; 'bgillis@warecounty.com'; 'bhodges@charltoncountyga.gov'; Blake (Joseph(Evans Fulton County; 'BLECKLEYVR@BLECKLEY.ORG'; 'BLLuth@forsythco.com'; 'bmwhite@co.camden.ga.us'; 'BNABLE@HOUSTONCOUNTYGA.ORG'; 'BOER.Supervisor@HancockCountyGA.gov'; Brian Hill Fayette Co.; 'brookscoelections@windstream.net'; 'burkereg@burkecountyga.gov'; 'CACHENBACH.TOOMBS.ELECTIONS@GMAIL.COM'; Candi Mathis; 'candlerprobate@gmail.com'; Carole Norris Jasper County Registrar; 'carolyn03 @windstream.net'; 'CC.REGISTRAR@WINDSTREAM.NET'; 'ccstephenstcpj@yahoo.com'; 'Charlotte.Sosebee@athensclarkecounty.com'; 'chattoogaelections@hotmail.com'; 'chattoogaregistrar@gmail.com'; 'cheard@decaturcountyga.gov'; 'cindyreynolds@bryan-county.org'; 'ckathleen@greenecountyga.gov'; 'clairemoseley@gmail.com'; 'Clayprobate@hotmail.com'; 'CLHAGANS@WASHINGTONCOUNTYGA.GOV'; 'clinchelections@windstream.net'; 'cookelections@windstream.net'; 'Cora.Wright@athensclarkecounty.com'; 'cwinkler@murraycountyga.gov'; 'cynthia.welch@rockdalecounty.org'; 'DARIN.MCCOY@EVANSCOUNTY.ORG'; 'DC.REGISTRAR.GA@HOTMAIL.COM'; 'ddallas@classicsouth.net'; Deb Cox; 'dholden@paulding.gov'; 'DKILLINGSWORTH@JOHNSONCO.ORG'; 'DOOLY.COUNTY.ELECTIONS@GMAIL.COM'; 'DOROTHYHGLISSON@YAHOO.COM'; 'DSTEPHENS@TWIGGSCOUNTY.US'; 'ECHOLSCO.REGISTRAR@GMAIL.COM'; 'ecprobate@hotmail.com'; 'egale@darientel.net'; 'ehamilton@dekalbcountyga.gov'; 'elections@walkerga.us'; 'ella.golden@libertycountyga.com'; 'EVANSCOUNTYREGISTRAR@HOTMAIL.COM'; 'fdavis@oconee.ga.us'; 'fjones@fayettecountyga.gov';

> 'FRANKIE@GAWEBSERVICES.COM'; 'gbaker@whitecounty.net'; 'GFERGUSON@DAWSONCOUNTY.ORG'; 'GILMERPROBATE@ELLIJAY.COM'; Gina

Chappelear; 'GNICKERSON@DOUGHERTY.GA.US'; 'greenw@floydcountyga.org';

'grigby@carrollcountyga.com'; 'HARPERH@DLCGA.COM';

'HCELECTIONS@BELLSOUTH.NET'; 'HWMS46@YAHOO.COM';

'Janine.Eveler@cobbcounty.org'; 'jasperprobate@bellsouth.net';

'idoran@morganga.org'; 'iduff@carrollcountyga.com'; 'JDYCRTR@YAHOO.COM';

'jeffdaviselections@gmail.com'; 'jelogan@jacksoncountygov.com';

'JENKINSCOUNTYREG@BELLSOUTH.NET'; 'JJONES@COMSOUTH.NET'; 'jovall2

@yahoo.com'; 'jregistrar@bellsouth.net'; 'jroberts@pickenscountyga.gov';

'JSCOGGINS@COWETA.GA.US'; 'jstone@oconee.ga.us'; 'JUDGEMCG@YAHOO.COM';

'judgenation@oglethorpecountyga.gov'; 'judgerodgers@planttel.net';

'jwatson@maconbibb.us'; 'karnold@waynecountyga.us'; 'KCURRY@EMANUELCO-

GA.GOV'; 'KHarris@CANDLERCO-GA.GOV'; 'kharvey@dougherty.ga.us';

'kirkj@bartowga.org'; 'klewis@benhillcounty.com'; 'KPOWELL@BLECKLEY.ORG';

'Kristi.Royston@gwinnettcounty.com'; 'kstancil@cherokeega.com';

'kwarren@monroecountygeorgia.com'; 'lamarcountyregistrars@yahoo.com';



To:

'laniercountyvotes@yahoo.com'; 'LANIERPROBATE1@WINDSTREAM.NET'; Lashonda Carter Appling County; 'LBailey@augustaga.gov'; 'lbolton@lincolncountyga.com'; 'leah.williamson@piercecountyga.gov'; 'lellison@habershamga.com'; 'LFULTON@CO.DOUGLAS.GA.US'; Linda Payne; 'LISA@UGOCCC.COM'; 'lmanning@whitecounty.net'; 'longcountyelections@gmail.com'; 'lsampson@murraycountyga.gov'; 'lwalton@decaturcountyga.gov'; 'Lwilliams@warecounty.com'; Lynn Ledford; 'MACOBOER@WINDSTREAM.NET'; 'maconner@fannincountyga.org'; maddox.denise2@gmail.com; 'malinda.butler@gradycountyga.gov'; 'marion_hatton@hotmail.com'; 'MARIONCOUNTYELECT@GMAIL.COM'; 'MBSmith@forsythco.com'; 'mfranklin@barrowga.org'; 'mhammontree@whitfieldcountyga.com'; 'MHOWARD.TALBOT@GMAIL.COM'; 'millerprobate@gmail.com'; Mindy Bass TaylorCounty; Misty Hampton; 'mjclemons1961@yahoo.com'; 'mkidd@co.douglas.ga.us'; 'mridley@spaldingcounty.com'; 'MWAY@WINDSTREAM.NET'; 'NBOREN@COLUMBUSGA.ORG'; 'ngay@columbiacountyga.gov'; 'OMORGAN@EFFINGHAMCOUNTY.ORG'; 'p.threadgill@meriwethercountyga.gov'; 'paulamc@ccboc.com'; 'pepparhcelections@gmail.com'; 'PERKINSB@CRISPCOUNTY.COM'; 'phyllis.wheeler3 @thomson-mcduffie.net'; 'pikeproburg@yahoo.com'; 'PLANIERJONES@BULLOCHCOUNTY.NET'; 'pnix@hallcounty.org'; 'PRELEFORD@UPSONCOUNTYGA.ORG'; 'PROBATE8@GMAIL.COM'; 'PROBATEELECT@PLANTERS.NET'; 'projudgeholder@windstream.net'; 'QUITCO8 @EUFAULA.RR.COM'; 'quitcojudge@eufaula.rr.com'; 'Ralph.Jones@fultoncountyga.gov'; 'rbridges@chathamcounty.org'; 'rcsweatt@co.camden.ga.us'; 'registrar@ellijay.com'; 'REGISTRARS@DLCGA.COM'; 'REGISTRARS@MILLERCOUNTYGA.COM'; 'REGISTRARS_SCHLEY@YAHOO.COM'; 'registrars131@yahoo.com'; 'renee.phifer@rockdalecountyga.gov'; 'Richard.Barron@fultoncountyga.gov'; 'RMOXSAND@HOTMAIL.COM'; 'rwebb@hartcountyga.gov'; 'sandraveal13@gmail.com'; 'SDoorenbos@morganga.org'; 'seminoleprobate@gmail.com'; 'SGRAY@JEFFERSONCOUNTYGA.GOV'; 'shauna.dozier@claytoncountyga.gov'; 'SHICKS@GORDONCOUNTY.ORG'; 'SJARRETT@HARRISCOUNTYGA.GOV'; 'ssgerman@chathamcounty.org'; Susan Nash Wayne County Registrar; 'susancarol1952 @gmail.com'; 'TACLAY@windstream.net'; 'tadams@heardcountyga.com'; 'tammy.whitmire@rabuncounty.ga.gov'; 'TATTNALL_ELECTIONS_24@YAHOO.COM'; 'tcmail@rose.net'; 'TELFAIR.REGISTRAR@HOTMAIL.COM'; 'TELFAIRPROBATE@WINDSTREAM.NET'; TerryRoss - Mitchell County; 'TGCOUNTY@GMAIL.COM'; 'thomascharping@wilkescountyga.org'; 'TJ4TREUTLEN@YAHOO.COM'; 'tlunsford@co.henry.ga.us'; Todd Black; 'tonya.moore@catoosa.com'; 'townssupervisor@yahoo.com'; Tracy Dean; Travis Doss; 'tsargent@hallcounty.org'; 'TSTRANGE@WILKINSONCOUNTY.NET'; 'Tthornton@waynecountyga.us'; 'tuckerlaurabeth@gmail.com'; 'tvaughan@dadecountyga.gov'; 'UCREGISTRAR@UNIONGOV.COM'; 'uge3125@uga.edu'; 'vjohnson@lee.ga.us'; 'votecw@elberton.net'; 'voterreg@btconline.net'; 'VOTERREGISTRAR@BULLOCHCOUNTY.NET'; 'voterregistration@windstream.net'; 'VRMONTGOMERY@YAHOO.COM'; 'warrenvotereg@classicsouth.net'; 'wcboe.supervisor@gmail.com'; 'wcprobate@classicsouth.net'; 'WCREGISTRARS@WINDSTREAM.NET'; 'WEBSTERFINANCE@WINDSTREAM.NET'; 'weslewis@ccboc.com'; 'WILCOX2115@WINDSTREAM.NET'; 'wilkescovoter@hotmail.com'; 'worthelechair@hotmail.com'; 'WPROBATE@HOTMAIL.COM'

Subject:

NCOA



The email I just sent **incorrectly** listed June 19th as the deadline to mail the NCOA notices. The deadline (and correctly listed in the OEB) is **Monday**, **June 10**, **2019**.

I apologize for my error.

Chris Harvey

Elections Director Georgia Secretary of State

Main 470-312-2777 Cell 404-985-6351



PUBLIC RECORDS NOTICE: Georgia has a very broad public records law. Most written communications to or from City and County officials regarding City and County business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.



TAC Service Desk

From: Harvey, Chris <wharvey@sos.ga.gov>
Sent: Wednesday, June 5, 2019 2:08 PM
To: 'acrosbv@favettecountyga.gov': 'adav

'acrosby@fayettecountyga.gov'; 'adavis@co.newton.ga.us'; 'adrienne-

ray@peach county.net'; 'adumas@monroecountygeorgia.com'; 'aharper@troupco.org'; 'aharper.org'; 'aharper

'AL.MCCRANIE@YAHOO.COM'; 'ALASHIA.BROWN@YAHOO.COM';

'amantle@co.newton.ga.us'; 'ann.russell@gmail.com'; 'APHAGAN@CO.BANKS.GA.US';

'applingregdon@yahoo.com'; 'Ashley.Peck@LumpkinCounty.GOV';

'ASMITH@BUTTSCOUNTY.ORG'; 'Atcoelections@hotmail.com';

'b.peacock@crawfordcountyga.org'; 'baldwinprobate@yahoo.com';

'bcochran@stephenscountyga.com'; 'BDAWSON@UPSONCOUNTYGA.ORG';

'BELECTIONS@WINDSTREAM.NET'; 'berlaseter@gmail.com'; 'bgillis@warecounty.com';

'bhodges@charltoncountyga.gov'; Blake (Joseph(Evans Fulton County;

'BLECKLEYVR@BLECKLEY.ORG'; 'BLLuth@forsythco.com'; 'bmwhite@co.camden.ga.us';

'BNABLE@HOUSTONCOUNTYGA.ORG'; 'BOER.Supervisor@HancockCountyGA.gov';

 $Brian\ Hill\ \ Fayette\ Co.; 'brookscoelections@windstream.net'; 'burkereg@burkecounty-left and the property of the property$

 $ga.gov'; \, 'CACHENBACH. TOOMBS. ELECTIONS@GMAIL. COM'; \, Candi \, Mathis; \, \\$

'candlerprobate@gmail.com'; Carole Norris Jasper County Registrar; 'carolyn03

@windstream.net'; 'CC.REGISTRAR@WINDSTREAM.NET'; 'ccstephenstcpj@yahoo.com';

"Charlotte. So se bee@athensclarke county.com"; "chattoogaelections@hotmail.com"; "chattoogaelections.gov"; "c

"chat too garegistrar@gmail.com"; "cheard@decaturcountyga.gov";

'cindyreynolds@bryan-county.org'; 'ckathleen@greenecountyga.gov';

'clairemoseley@gmail.com'; 'Clayprobate@hotmail.com';

'CLHAGANS@WASHINGTONCOUNTYGA.GOV'; 'clinchelections@windstream.net';

'cookelections@windstream.net'; 'Cora.Wright@athensclarkecounty.com';

'cwinkler@murraycountyga.gov'; 'cynthia.welch@rockdalecounty.org';

'DARIN.MCCOY@EVANSCOUNTY.ORG'; 'DC.REGISTRAR.GA@HOTMAIL.COM';

'ddallas@classicsouth.net'; Deb Cox; 'dholden@paulding.gov';

'DKILLINGSWORTH@JOHNSONCO.ORG'; 'DOOLY.COUNTY.ELECTIONS@GMAIL.COM';

'DOROTHYHGLISSON@YAHOO.COM'; 'DSTEPHENS@TWIGGSCOUNTY.US';

'ECHOLSCO.REGISTRAR@GMAIL.COM'; 'ecprobate@hotmail.com'; 'egale@darientel.net';

'ehamilton@dekalbcountyga.gov'; 'elections@walkerga.us';

'ella.golden@libertycountyga.com'; 'EVANSCOUNTYREGISTRAR@HOTMAIL.COM';

'fdavis@oconee.ga.us'; 'fjones@fayettecountyga.gov';

'FRANKIE@GAWEBSERVICES.COM'; 'gbaker@whitecounty.net';

'GFERGUSON@DAWSONCOUNTY.ORG'; 'GILMERPROBATE@ELLIJAY.COM'; Gina

Chappelear; 'GNICKERSON@DOUGHERTY.GA.US'; 'greenw@floydcountyga.org';

'grigby@carrollcountyga.com'; 'HARPERH@DLCGA.COM';

'HCELECTIONS@BELLSOUTH.NET'; 'HWMS46@YAHOO.COM';

'Janine.Eveler@cobbcounty.org'; 'jasperprobate@bellsouth.net';

'idoran@morganga.org'; 'iduff@carrollcountyga.com'; 'JDYCRTR@YAHOO.COM';

'jeffdaviselections@gmail.com'; 'jelogan@jacksoncountygov.com';

'JENKINSCOUNTYREG@BELLSOUTH.NET'; 'JJONES@COMSOUTH.NET'; 'jovall2

@yahoo.com'; 'jregistrar@bellsouth.net'; 'jroberts@pickenscountyga.gov';

'JSCOGGINS@COWETA.GA.US'; 'jstone@oconee.ga.us'; 'JUDGEMCG@YAHOO.COM';

'judgenation@oglethorpecountyga.gov'; 'judgerodgers@planttel.net';

'jwatson@maconbibb.us'; 'karnold@waynecountyga.us'; 'KCURRY@EMANUELCO-

GA.GOV'; 'KHarris@CANDLERCO-GA.GOV'; 'kharvey@dougherty.ga.us';

'kirkj@bartowga.org'; 'klewis@benhillcounty.com'; 'KPOWELL@BLECKLEY.ORG';

'Kristi.Royston@gwinnettcounty.com'; 'kstancil@cherokeega.com';

'kwarren@monroecountygeorgia.com'; 'lamarcountyregistrars@yahoo.com';



'laniercountyvotes@yahoo.com'; 'LANIERPROBATE1@WINDSTREAM.NET'; Lashonda To: Carter Appling County; 'LBailey@augustaga.gov'; 'lbolton@lincolncountyga.com'; 'leah.williamson@piercecountyga.gov'; 'lellison@habershamga.com'; 'LFULTON@CO.DOUGLAS.GA.US'; Linda Payne; 'LISA@UGOCCC.COM'; 'lmanning@whitecounty.net'; 'longcountyelections@gmail.com'; 'lsampson@murraycountyga.gov'; 'lwalton@decaturcountyga.gov'; 'Lwilliams@warecounty.com'; Lynn Ledford; 'MACOBOER@WINDSTREAM.NET'; 'maconner@fannincountyga.org'; maddox.denise2@gmail.com; 'malinda.butler@gradycountyga.gov'; 'marion_hatton@hotmail.com'; 'MARIONCOUNTYELECT@GMAIL.COM'; 'MBSmith@forsythco.com'; 'mfranklin@barrowga.org'; 'mhammontree@whitfieldcountyga.com'; 'MHOWARD.TALBOT@GMAIL.COM'; 'millerprobate@gmail.com'; Mindy Bass TaylorCounty; Misty Hampton; 'mjclemons1961@yahoo.com'; 'mkidd@co.douglas.ga.us'; 'mridley@spaldingcounty.com'; 'MWAY@WINDSTREAM.NET'; 'NBOREN@COLUMBUSGA.ORG'; 'ngay@columbiacountyga.gov'; 'OMORGAN@EFFINGHAMCOUNTY.ORG'; 'p.threadgill@meriwethercountyga.gov'; 'paulamc@ccboc.com'; 'pepparhcelections@gmail.com'; 'PERKINSB@CRISPCOUNTY.COM'; 'phyllis.wheeler3 @thomson-mcduffie.net'; 'pikeproburg@yahoo.com'; 'PLANIERJONES@BULLOCHCOUNTY.NET'; 'pnix@hallcounty.org'; 'PRELEFORD@UPSONCOUNTYGA.ORG'; 'PROBATE8@GMAIL.COM'; 'PROBATEELECT@PLANTERS.NET'; 'projudgeholder@windstream.net'; 'QUITCO8 @EUFAULA.RR.COM'; 'quitcojudge@eufaula.rr.com'; 'Ralph.Jones@fultoncountyga.gov'; 'rbridges@chathamcounty.org'; 'rcsweatt@co.camden.ga.us'; 'registrar@ellijay.com'; 'REGISTRARS@DLCGA.COM'; 'REGISTRARS@MILLERCOUNTYGA.COM'; 'REGISTRARS_SCHLEY@YAHOO.COM'; 'registrars131@yahoo.com'; 'renee.phifer@rockdalecountyga.gov'; 'Richard.Barron@fultoncountyga.gov'; 'RMOXSAND@HOTMAIL.COM'; 'rwebb@hartcountyga.gov'; 'sandraveal13@gmail.com'; 'SDoorenbos@morganga.org'; 'seminoleprobate@gmail.com'; 'SGRAY@JEFFERSONCOUNTYGA.GOV'; 'shauna.dozier@claytoncountyga.gov'; 'SHICKS@GORDONCOUNTY.ORG'; 'SJARRETT@HARRISCOUNTYGA.GOV'; 'ssgerman@chathamcounty.org'; Susan Nash Wayne County Registrar; 'susancarol1952 @gmail.com'; 'TACLAY@windstream.net'; 'tadams@heardcountyga.com'; 'tammy.whitmire@rabuncounty.ga.gov'; 'TATTNALL_ELECTIONS_24@YAHOO.COM';

'tcmail@rose.net'; 'TELFAIR.REGISTRAR@HOTMAIL.COM';

'TELFAIRPROBATE@WINDSTREAM.NET'; TerryRoss - Mitchell County;

'TGCOUNTY@GMAIL.COM'; 'thomascharping@wilkescountyga.org';

'TJ4TREUTLEN@YAHOO.COM'; 'tlunsford@co.henry.ga.us'; Todd Black;

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'tonya.moore@catoosa.com'; 'townssupervisor@yahoo.com'; Tracy Dean; Travis Doss;

'tsargent@hallcounty.org'; 'TSTRANGE@WILKINSONCOUNTY.NET';

'Tthornton@waynecountyga.us'; 'tuckerlaurabeth@gmail.com'; 'tvaughan@dadecounty-ga.gov'; 'UCREGISTRAR@UNIONGOV.COM'; 'uge3125@uga.edu'; 'vjohnson@lee.ga.us'; 'votecw@elberton.net'; 'voterreg@btconline.net';

'VOTERREGISTRAR@BULLOCHCOUNTY.NET'; 'voterregistration@windstream.net';

'VRMONTGOMERY@YAHOO.COM'; 'warrenvotereg@classicsouth.net';

'wcboe. supervisor@gmail.com'; 'wcprobate@classicsouth.net';

'WCREGISTRARS@WINDSTREAM.NET'; 'WEBSTERFINANCE@WINDSTREAM.NET';

'weslewis@ccboc.com'; 'WILCOX2115@WINDSTREAM.NET';

'wilkescovoter@hotmail.com'; 'worthelechair@hotmail.com';

'WPROBATE@HOTMAIL.COM'

Harvey, Chris

New OEB on NCOA on Firefly



Cc:

There is an OEB on the NCOA mailings on Firefly under "Official Communications." All NCOA mailings should be completed by Monday, June 19, 2019, but they can be mailed out now. If you have questions, contact your liaison.

Chris Harvey

Elections Director Georgia Secretary of State

Main 470-312-2777 Cell 404-985-6351





TAC Service Desk

To:

From: Harvey, Chris <wharvey@sos.ga.gov>
Sent: Wednesday, April 3, 2019 4:09 PM

acrosby@fayettecountyga.gov; adavis@co.newton.ga.us; adrienne-

ray@peachcounty.net; adumas@monroecountygeorgia.com; aharper@troupco.org;

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berlaseter@gmail.com; bgillis@warecounty.com; bhodges@charltoncountyga.gov; Blake (Joseph(Evans Fulton County; BLECKLEYVR@BLECKLEY.ORG; BLLuth@forsythco.com;

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greenw@floydcountyga.org; grigby@carrollcountyga.com; HARPERH@DLCGA.COM;

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Jan in e. Eveler @cobb county.org; jasper probate @bell south.net; jdoran @morganga.org;

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JJONES@COMSOUTH.NET; jovall2@yahoo.com; jregistrar@bellsouth.net;

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JUDGEMCG@YAHOO.COM; judgenation@oglethorpecountyga.gov;

judgerodgers@planttel.net; jwatson@maconbibb.us; karnold@waynecountyga.us;

KCURRY@EMANUELCO-GA.GOV; KHarris@CANDLERCO-GA.GOV;

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lamarcountyregistrars@yahoo.com; laniercountyvotes@yahoo.com; LANIERPROBATE1



@WINDSTREAM.NET; Lashonda Carter Appling County; LBailey@augustaga.gov; lbolton@lincolncountyga.com; leah.williamson@piercecountyga.gov; lellison@habershamga.com; Linda Payne; LISA@UGOCCC.COM;

Imanning@whitecounty.net; longcountyelections@gmail.com;

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MACOBOER@WINDSTREAM.NET; maconner@fannincountyga.org; maddox.denise2 @gmail.com; malinda.butler@gradycountyga.gov; marion hatton@hotmail.com;

MARIONCOUNTYELECT@GMAIL.COM; MBSmith@forsythco.com;

mfranklin@barrowga.org; mhammontree@whitfieldcountyga.com;

MHOWARD.TALBOT@GMAIL.COM; millerprobate@gmail.com; Mindy Bass Taylor County; Misty Hampton (misty.hampton@coffeecounty-ga.gov); mjclemons1961

@yahoo.com; mkidd@co.douglas.ga.us; mridley@spaldingcounty.com;

MWAY@WINDSTREAM.NET; NBOREN@COLUMBUSGA.ORG;

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pepparh celections @gmail.com; PERKINSB @CRISPCOUNTY.COM; phyllis.wheeler 3

@thomson-mcduffie.net; pikeproburg@yahoo.com;

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See the OEB under Official Communications>Official Election Bulletins>2019 OEBs

Chris Harvey Elections Director Georgia Secretary of State Brad Raffensperger

404-657-5380 DIRECT **404-985-6351** MOBILE



TAC Service Desk

To:

From: Harvey, Chris <wharvey@sos.ga.gov>
Sent: Wednesday, April 3, 2019 4:09 PM

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TAC Service Desk

From: Sent:

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Breanna; Hallman, John; Harvey, Chris

New OEB out on Firefly

County Election Officials,



Cc:

I posted a new OEB on Firefly yesterday afternoon regarding ENET changes for recording citizenship documentation for voter registration. You can review it on Firefly under Official Communications>2019 OEBs.

If you have any questions, please contact your liaison.

Chris Harvey Elections Director Georgia Secretary of State Brad Raffensperger

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Rayburn, Kevin; Koval, Ted; Pitts, Ameika; Combs, Leigh; Johnson, Melody; Thomas,

Breanna; Hallman, John; Harvey, Chris

New OEB out on Firefly

County Election Officials,



Cc:

I posted a new OEB on Firefly yesterday afternoon regarding ENET changes for recording citizenship documentation for voter registration. You can review it on Firefly under Official Communications>2019 OEBs.

If you have any questions, please contact your liaison.

Chris Harvey Elections Director Georgia Secretary of State Brad Raffensperger

404-657-5380 DIRECT **404-985-6351** MOBILE



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Sent:

To:

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Thursday, November 15, 2018 10:06 AM

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Frechette, Melanie; Pitts, Ameika; Thomas, Breanna

NEEDS IMMEDIATE ATTENTION--New Order from Judge Jones

AMERICAN OVERSIGHT

Cc:

All,

There is a new order from Judge Steve Jones regarding previously rejected absentee ballots for date of birth errors or omissions that requires your immediate attention.

There is a new OEB on Firefly providing instructions for complying with this order (Official Communications>Official Election Bulletins>2018 OEBs>**OEB 11-15-2018 Post Election Absentee Order from Judge Jones.**)

There is also a certification form on Firefly that every county needs to provide back to our office upon completing the review and corrections ordered by Judge Jones (**OEB 11-15-2018 Confirmation Form Regarding Absentee By Mail Ballots.**) Note that the certification of completion must be notarized.

EVERY COUNTY NEEDS TO PROVIDE THE CERTIFICATION DOCUMENT TO OUR OFFICE BY FRIDAY, NOVEMBER 16, 2018 BY 5:00 PM, BUT WE WOULD LIKE TO RECEIVE THEM AS SOON AS THEY ARE COMPLETED.

These certifications may be submitted via email or FAX to our office. We will make arrangements to receive the original documents.

I pasted the text of the two OEBs below for your convenience:

OFFICIAL ELECTION BULLETIN

November 15, 2018

TO: County Election Officials and County Registrars FROM: Chris Harvey, Elections Division Director

RE: Order from Judge Jones Regarding Reviewing Absentee Ballots

On November 14, 2018, United States District Judge Steve Jones issued an order directing the Secretary of State to ensure that each county's certified returns include the counts for absentee ballots where the date of birth was omitted or incorrect. Pursuant to that Order, Secretary of State Crittenden hereby directs the county election superintendents/registrars of each county to undertake the below actions immediately:

1. Review each rejected absentee mail ballot to ensure that none were rejected solely because of an error or omission in the date of birth on the oath envelope.

- 2. If any absentee mail ballot was rejected solely because of an error or omission in the date of birth, you should count that ballot unless that voter cast a subsequent absentee ballot or voted on Election Day. Your Election Day numbered list of voters is in your county folder on the SFTP (Secure File Transfer Protocol).
- 3. If your vote totals change after this review, recertify the election with the updated totals and forward the new certification to the Secretary of State's Office.
- 4. Following the review, complete the attached Confirmation Form indicating that there were no changes to your results after the review or that there were changes and any absentee ballots that were rejected solely because of an error or omission in the date of birth have been added to the certified results. Return the Confirmation Form to the Secretary of State's Office.

Each of these actions must be completed **no later than 5:00 p.m. on Friday, November 16**, including recertification if necessary.

CERTIFICATION OF COMPLETION



CONFIRMATION FORM REGARDING ABSENTEE BY MAIL BALLOTS COUNTY: _____ _____, on behalf of the Superintendent of Elections for the above named county, hereby confirm that on the day of November, 2018, all rejected absentee ballots were reviewed to confirm that none were rejected solely because of an error or omission in the date of birth (or year of birth) on the oath envelope. If any ballots were previously rejected solely because of an error or omission in the date of birth (or year of birth), those ballots have been counted and added to the certified results. The result of this review yielded the following result: (Initial One) There were no changes to our results after completing this review. We identified ballots that had been rejected solely because of an error or omission in the date of birth. We have updated the results to include those ballots and recertified. Signature Printed Name: _____ Sworn to and subscribed before me this ____ day of November, 2018. **Notary Public Chris Harvey**

Elections Director, Georgia Secretary of State

404-657-5380 DIRECT 404-985-6351 MOBILE



From:

Sent:

To:

Harvey, Chris <wharvey@sos.ga.gov>

Thursday, November 15, 2018 10:06 AM

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tlunsford@co.henry.ga.us; Todd Black (tblack.randolphcounty@gmail.com);

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Tthornton@waynecountyga.us; tuckerlaurabeth@gmail.com; tvaughan@dadecounty-ga.gov; UCREGISTRAR@UNIONGOV.COM; uge3125@uga.edu; vjohnson@lee.ga.us;

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WPROBATE@HOTMAIL.COM

Harvey, Chris; Rayburn, Kevin; Germany, Ryan; Broce, Candice; Johnson, Melody;

Frechette, Melanie; Pitts, Ameika; Thomas, Breanna

NEEDS IMMEDIATE ATTENTION--New Order from Judge Jones



Cc:

All,

There is a new order from Judge Steve Jones regarding previously rejected absentee ballots for date of birth errors or omissions that requires your immediate attention.

There is a new OEB on Firefly providing instructions for complying with this order (Official Communications>Official Election Bulletins>2018 OEBs>**OEB 11-15-2018 Post Election Absentee Order from Judge Jones.**)

There is also a certification form on Firefly that every county needs to provide back to our office upon completing the review and corrections ordered by Judge Jones (**OEB 11-15-2018 Confirmation Form Regarding Absentee By Mail Ballots.**) Note that the certification of completion must be notarized.

EVERY COUNTY NEEDS TO PROVIDE THE CERTIFICATION DOCUMENT TO OUR OFFICE BY FRIDAY, NOVEMBER 16, 2018 BY 5:00 PM, BUT WE WOULD LIKE TO RECEIVE THEM AS SOON AS THEY ARE COMPLETED.

These certifications may be submitted via email or FAX to our office. We will make arrangements to receive the original documents.

I pasted the text of the two OEBs below for your convenience:

OFFICIAL ELECTION BULLETIN

November 15, 2018

TO: County Election Officials and County Registrars FROM: Chris Harvey, Elections Division Director

RE: Order from Judge Jones Regarding Reviewing Absentee Ballots

On November 14, 2018, United States District Judge Steve Jones issued an order directing the Secretary of State to ensure that each county's certified returns include the counts for absentee ballots where the date of birth was omitted or incorrect. Pursuant to that Order, Secretary of State Crittenden hereby directs the county election superintendents/registrars of each county to undertake the below actions immediately:

1. Review each rejected absentee mail ballot to ensure that none were rejected solely because of an error or omission in the date of birth on the oath envelope.

- 2. If any absentee mail ballot was rejected solely because of an error or omission in the date of birth, you should count that ballot unless that voter cast a subsequent absentee ballot or voted on Election Day. Your Election Day numbered list of voters is in your county folder on the SFTP (Secure File Transfer Protocol).
- 3. If your vote totals change after this review, recertify the election with the updated totals and forward the new certification to the Secretary of State's Office.
- 4. Following the review, complete the attached Confirmation Form indicating that there were no changes to your results after the review or that there were changes and any absentee ballots that were rejected solely because of an error or omission in the date of birth have been added to the certified results. Return the Confirmation Form to the Secretary of State's Office.

Each of these actions must be completed **no later than 5:00 p.m. on Friday, November 16**, including recertification if necessary.

CERTIFICATION OF COMPLETION



CONFIRMATION FORM REGARDING ABSENTEE BY MAIL BALLOTS COUNTY: _____ _____, on behalf of the Superintendent of Elections for the above named county, hereby confirm that on the day of November, 2018, all rejected absentee ballots were reviewed to confirm that none were rejected solely because of an error or omission in the date of birth (or year of birth) on the oath envelope. If any ballots were previously rejected solely because of an error or omission in the date of birth (or year of birth), those ballots have been counted and added to the certified results. The result of this review yielded the following result: (Initial One) There were no changes to our results after completing this review. We identified ballots that had been rejected solely because of an error or omission in the date of birth. We have updated the results to include those ballots and recertified. Signature Printed Name: _____ Sworn to and subscribed before me this ____ day of November, 2018. **Notary Public Chris Harvey**

Elections Director, Georgia Secretary of State

404-657-5380 DIRECT 404-985-6351 MOBILE



TAC Service Desk

From: Harvey, Chris <wharvey@sos.ga.gov> **Sent:** Wednesday, November 14, 2018 5:52 PM

To: Rick Barron; Hamilton, Erica; Lynn Ledford; Eveler, Janine; Deb Cox;

aharper@troupco.org; Jeanetta Watson; Lori Wurtz (Elections; Nickerson, Ginger; Nancy Boren; Russell Bridges; LynnBailey; Pat Lanier Jones; tlunsford@co.henry.ga.us; Charlotte Sosebee; Carol Heard; Monica Couch; Kim Stancil; CynthiaWelch - Rockdale County;

dholden@paulding.gov; elections@claytoncountyga.gov; elections@carrollcountyga.com; waddellv@floydcountyga.org; elections@houstoncountyga.org; bdofelections@co.douglas.ga.us;

shicks@gordoncounty.org; elections@co.walton.ga.us; voter@chathamcounty.org

Cc: Harvey, Chris; Germany, Ryan; Rayburn, Kevin; Johnson, Melody; Frechette, Melanie; Pitts,

Ameika; Thomas, Breanna

Subject: Additional Request for Information

Selected County Election Director and Registrars,

Pursuant to Judge Totenberg's November 12, 2018 Order, the Secretary of State's office requests that, for all rejected provisional ballots coded "PR", you send us the reasons why those ballots were ultimately rejected (for example, out of county, cancelled, registered after deadline, not registered, etc.). Please provide this information no later than 2:00pm on November 15, 2018.

Please call me if you have any questions or concerns.

Chris Harvey Elections Director, Georgia Secretary of State

404-657-5380 DIRECT 404-985-6351 MOBILE



TAC Service Desk

From: Harvey, Chris <wharvey@sos.ga.gov>
Sent: Wednesday, November 14, 2018 3:47 PM

To: Rick Barron (richard.barron@fultoncountyga.gov); Hamilton, Erica; Lynn Ledford; Eveler,

Janine; Deb Cox; aharper@troupco.org; Jeanetta Watson(JWATSON@MACONBIBB.US); Lori Wurtz (Elections); Nickerson, Ginger; Nancy Boren (nboren@columbusga.org);

RussellBridges; Lynn Bailey (LBailey@augustaga.gov); Pat Lanier Jones;

tlunsford@co.henry.ga.us; Charlotte Sosebee; Carol Heard; Monica Couch; Kim Stancil; Cynthia Welch - Rockdale County (CYNTHIA.WELCH@ROCKDALECOUNTYGA.GOV);

dholden@paulding.gov; elections@claytoncountyga.gov; elections@carrollcountyga.com; waddellv@floydcountyga.org; elections@houstoncountyga.org; bdofelections@co.douglas.ga.us;

shicks@gordoncounty.org; elections@co.walton.ga.us; voter@chathamcounty.org

Cc: Harvey, Chris; Rayburn, Kevin; Germany, Ryan; Johnson, Melody; Frechette, Melanie; Pitts,

Ameika; Thomas, Breanna

Subject: Additional Requirements to Comply with Judge Totenberg's Order on PR Provisional

Ballots

Attachments: OEB - 11-14-2018 - Direction to Review Provisional Ballots Coded "PR".pdf

Selected County Election Directors/Registrars,

As a continuation of Judge Totenberg's order of November 12, 2018, I have attached an additional OEB that contains directions to review all rejected "PR" Provisional Ballots a second time to make sure they were properly evaluated. This order applies to counties with more than 100 provisional ballots in their counties.

Please review this OEB immediately and complete the ordered review.

I will provide a certification form for you to return in a follow-up email.

You may contact me if you have questions.

Chris Harvey

Elections Director, Georgia Secretary of State

404-657-5380 DIRECT 404-985-6351 MOBILE



From:

Sent:

To:

Harvey, Chris <wharvey@sos.ga.gov>

Wednesday, November 14, 2018 11:09 AM

22 ballance @gmail.com; acrosby @fayette county ga.gov; adavis @co.newton.ga.us;

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amantle@co.newton.ga.us; ann.russell@gmail.com; APHAGAN@CO.BANKS.GA.US;

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 $bhodges@charltoncountyga.gov; \ BLECKLEYVR@BLECKLEY.ORG; \ BLLuth@forsythco.com; \\$

bmwhite@co.camden.ga.us; BNABLE@HOUSTONCOUNTYGA.ORG;

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ssgerman@chathamcounty.org; susancarol 1952@gmail.com; TACLAY@windstream.net;

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votecw@elberton.net; voterreg@btconline.net;

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WPROBATE@HOTMAIL.COM

Harvey, Chris; Rayburn, Kevin; Broce, Candice; Johnson, Melody; Pitts, Ameika; Frechette,

Melanie; Thomas, Breanna

New OEB regarding Judge Totenberg's Order



Cc:

All,

There is a new OEB providing direction from Secretary of State Crittenden regarding requirement that county election superintendents publicize a website and free-access number for provisional voters to check the status of their provisional ballots.

The OEB is on Firefly under Official Communications>Official Election Bulletins>2018 OEBs, but in the interest of time, I pasted the text into this email:

OFFICIAL ELECTION BULLETIN

November 14, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Secretary of State Public Website for Provisional Ballot Information

Per the order of Judge Totenberg of November 13, 2018 regarding provisional ballots, Secretary of State Robyn Crittenden is directing each county election superintendent to publicize the following information on their county and county election office websites.

If a county or county election office does not maintain a website, this information should be published at other locations or websites that may be reasonable (social media sites, county offices, etc.) Publish the following information:

The Secretary of State's Office has established a secure website and free-access telephone number for provisional ballot voters to access to determine whether their provisional ballots were counted and if not, the reason why.

The website is

http://sos.ga.gov/index.php/elections/check your provisional ballot status for november 6 2018 e lection

The free access number is 1-844-537-5375.

Chris Harvey
Elections Director, Georgia Secretary of State

404-657-5380 DIRECT 404-985-6351 MOBILE



From:

Sent:

To:

Harvey, Chris <wharvey@sos.ga.gov>

Wednesday, November 14, 2018 11:09 AM

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Harvey, Chris; Rayburn, Kevin; Broce, Candice; Johnson, Melody; Pitts, Ameika; Frechette,

Melanie; Thomas, Breanna

New OEB regarding Judge Totenberg's Order



Cc:

All,

There is a new OEB providing direction from Secretary of State Crittenden regarding requirement that county election superintendents publicize a website and free-access number for provisional voters to check the status of their provisional ballots.

The OEB is on Firefly under Official Communications>Official Election Bulletins>2018 OEBs, but in the interest of time, I pasted the text into this email:

OFFICIAL ELECTION BULLETIN

November 14, 2018

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: Secretary of State Public Website for Provisional Ballot Information

Per the order of Judge Totenberg of November 13, 2018 regarding provisional ballots, Secretary of State Robyn Crittenden is directing each county election superintendent to publicize the following information on their county and county election office websites.

If a county or county election office does not maintain a website, this information should be published at other locations or websites that may be reasonable (social media sites, county offices, etc.) Publish the following information:

The Secretary of State's Office has established a secure website and free-access telephone number for provisional ballot voters to access to determine whether their provisional ballots were counted and if not, the reason why.

The website is

http://sos.ga.gov/index.php/elections/check your provisional ballot status for november 6 2018 e lection

The free access number is 1-844-537-5375.

Chris Harvey
Elections Director, Georgia Secretary of State

404-657-5380 DIRECT 404-985-6351 MOBILE



From:

Sent:

To:

Harvey, Chris <wharvey@sos.ga.gov>

Tuesday, November 13, 2018 10:27 AM

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Harvey, Chris; Rayburn, Kevin; Johnson, Melody; Frechette, Melanie; Pitts, Ameika;

Thomas, Breanna; Lewis, Russell

New OEB on Judge Totenberg's Order is on Firefly



Cc:

There is a new OEB on Firefly (Official Communications>Official Election Bulletins>2018 OEBs) regarding the order issued by Judge Totenberg.

Please review this OEB immediately.

I copied and pasted the text of the OEB below so that you can review it via this email.

TO: County Election Officials and County Registrars

FROM: Chris Harvey, Elections Division Director

RE: County Certification Deadline and Election Material Return Date Unchanged

District Court Judge Amy Totenberg issued an injunction ("Order") last night in one of the cases related to this election. The Order does not change or modify today's 5:00 PM deadline for counties to certify results. The Order says that the Secretary of State cannot certify the results until Friday.

Once we receive the certified returns from the county superintendents on Wednesday, pursuant to the Order, our office will direct the counties with 100 or more provisional ballots to "engage in a good faith review of the eligibility of voters issued provisional ballots due to code PR ('provisional registration'), using all available registration documentation." The PR code is used when the county's electors list does not reflect that the person is a registered voter. As a reminder, you have several tools at your disposal when reviewing PR provisional ballots. ENET has a lot of information in each voter's record, including an audit tab that shows when changes were made to the record. You also have access to MVC (Motor Voter Confirmation) that can be used to see if a voter attempted to register through the Department of Driver Services. You can also check your paper and scanned records.

Given the tight time schedule between certification and the December 4th runoff elections, it is critically important that everyone provides their election materials on time for tomorrow's election return pickup. **Remember, you must have your election return materials to your designated GSP outpost tomorrow November 14, 2018 by 10:00 AM.** Detailed instructions are on Firefly at Official Communications > 2018 General Information > Ballot Run - Election Returns Pickup November 14 2018. If you have questions or unique needs, you must coordinate with Chief Investigator Russell Lewis at 404-656-4793 or rlewis@sos.ga.gov.

Chris Harvey
Elections Director, Georgia Secretary of State

404-657-5380 DIRECT 404-985-6351 MOBILE



From:

Sent:

To:

Harvey, Chris <wharvey@sos.ga.gov>

Tuesday, November 13, 2018 10:27 AM

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Harvey, Chris; Rayburn, Kevin; Johnson, Melody; Frechette, Melanie; Pitts, Ameika;

Thomas, Breanna; Lewis, Russell

New OEB on Judge Totenberg's Order is on Firefly

AMERICAN OVERSIGHT

Cc:

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Chris Harvey
Elections Director, Georgia Secretary of State

404-657-5380 DIRECT 404-985-6351 MOBILE



Sent:

To:

Harvey, Chris <wharvey@sos.ga.gov> Friday, November 2, 2018 5:13 PM

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Harvey, Chris

Injunction on Absentee Ballot Applications and Absentee Ballots That Are Rejected for

Signature Comparisons



Cc:

Subject:

There is an injunction issued today (Thursday) by a federal judge regarding rejection of absentee ballot applications AND absentee ballots for reason of failing to match signatures only. No other reasons for rejected absentee ballot applications or rejected absentee ballots are impacted by this injunction.

There is a new OEB and a copy of the Injunction on Firefly under Official Communications>Official Election Bulletins>2018 OEBs.

You must read and comply with this injunction immediately.

The OEB gives some guidance on following the injunction, but there is also some leeway in how each county wants to process these rejected application and ballots in accordance with the injunction.

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Harvey, Chris; Broce, Candice

Subject: Update on Possible Injunction

Our office is involved in a lawsuit regarding absentee ballot applications and absentee ballots that have been rejected



Cc:

based on signature comparisons.

The judge issued an order with a *proposed*, but not definite, injunction that may require county registrars and/or election offices to take additional steps regarding the handling of these absentee ballot applications and absentee ballots.

As of now, there are no new procedures to pass on to your offices.

Once something is finalized, we will communicate directly with you on any additional steps you may be required to take. I know everyone is working long hours and very diligently to handle the large numbers of advance voters and absentee ballots while also getting ready for Election Day.

We will do our best to get you timely and accurate information on any necessary new procedures.

Chris Harvey Elections Director, Georgia Secretary of State

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Harvey, Chris; Broce, Candice

Subject: Update on Possible Injunction

Our office is involved in a lawsuit regarding absentee ballot applications and absentee ballots that have been rejected



Cc:

based on signature comparisons.

The judge issued an order with a *proposed*, but not definite, injunction that may require county registrars and/or election offices to take additional steps regarding the handling of these absentee ballot applications and absentee ballots.

As of now, there are no new procedures to pass on to your offices.

Once something is finalized, we will communicate directly with you on any additional steps you may be required to take. I know everyone is working long hours and very diligently to handle the large numbers of advance voters and absentee ballots while also getting ready for Election Day.

We will do our best to get you timely and accurate information on any necessary new procedures.

Chris Harvey
Elections Director, Georgia Secretary of State

404-657-5380 DIRECT 404-985-6351 MOBILE



From: Sent:

To:

Harvey, Chris <wharvey@sos.ga.gov> Tuesday, October 23, 2018 12:15 PM

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Cc: Harvey, Chris

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If you have questions, please contact our office.

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Harvey, Chris; Germany, Ryan; Rayburn, Kevin

UOCAVA Deadline is Saturday

AMERICAN OVERSIGHT

ΑII,

Cc:

Subject:

Remember that the UOCAVA Deadline to mail or electronically transmit ballot to UOCAVA voters is this Saturday, September 22, 2018.

Of course, the Secretary of State's Office handles transmitting the EBDs, but our doing this requires that your offices have properly entered all UOCAVA voters in ENET.

We will be requiring a report from each county about the mailing or electronic transmission of UOCAVA ballots that we will then report to the Department of Justice.

It is critically important that we meet this deadline for 100% of UOCAVA voters.

Please scour your offices for loose applications and double-check your staff's work on UOCAVA handling.

Our office will be contacting each of the counties tomorrow to make sure that UOCAVA ballots have been handled properly, but if you have any questions, please call your liaison or someone else in our office immediately.

Lastly, if there is a question in your mind about whether or not a UOCAVA ballot has gone out properly, it is better to err on the side of putting a ballot in the mail for a UOCAVA voter in question than to wait and miss the deadline. If you have tried to establish contact with a voter who has had email bounce-backs of their EBD, but have not been able to make contact, it is better to mail them a ballot than to let the deadline pass.

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Elections Director, Georgia Secretary of State

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Thursday, September 20, 2018 2:13 PM

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Harvey, Chris; Germany, Ryan; Rayburn, Kevin

UOCAVA Deadline is Saturday



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Tuesday, September 18, 2018 11:59 AM

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Cc: Harvey, Chris

Subject: Communication Regarding U.S. District Judge's Order

On September 17, 2018, U.S. District Court Judge Amy Totenberg issued an order denying the plaintiffs' request that all



counties in Georgia be required to use paper ballots for the November 6, 2018 general election. This means that the November general election will go forward as planned using the regular procedures and equipment (DREs) that we have been using.

I want to share a few thoughts regarding these recent events.

- 1. The prioritization of election security has never been more important. Our office has been stressing the need for security at all levels. Cyber/internet security as well as physical security of buildings and voting equipment must remain a top priority for every single person who interacts with the voting system, whether that person is the county election director or a temporary poll worker. Everyone should be at a heightened level of awareness for anything unusual or suspicious.
- 2. There may be increases in requests for mailed absentee ballots from individuals who are concerned about voting on DREs. You should consider this factor when ordering absentee ballots and associated supplies, and monitor your supply in case you see the need to restock your supplies. This possible heightened demand will require your offices to be flexible and responsive in terms of being able to meet all requests for absentee ballots on a timely basis as required by SEB Rule:

Rule 183-1-14-.11 Mailing and Issuance of Ballots

During early voting, as additional applicants for absentee ballots are determined to be eligible, the board of registrars or absentee ballot clerk shall mail or issue official absentee ballots to such additional applicants immediately upon determining their eligibility. The board or clerk shall make such determination and mail or issue official absentee ballots to such additional eligible applicants within 3 business days after receiving the absentee ballot applications.

3. We have noted an increase in paper voter registration applications arriving in our office. We are distributing these applications to you regularly, and I am hearing that counties are seeing an increase in paper voter registration applications. I encourage you to continue to process these applications as efficiently as possible so that new voters can check their registration status online and be confident that they can vote in the general election.

Please continue to provide the best service that all voters in Georgia deserve and need, and let me know if our office can provide you with assistance.

Chris Harvey
Elections Director, Georgia Secretary of State

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Sent:

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Tuesday, September 18, 2018 11:59 AM

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Cc: Harvey, Chris

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Chris Harvey
Elections Director, Georgia Secretary of State

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Harvey, Chris

new OEB on Felon Process in GVRS



Cc:

Subject:

There is a new OEB on a refinement to the felon process that will be active in the next few days.

The OEB may be found under Official Communications>Official Election Bulletins>2018 OEBs.

Contact our office if you have additional questions.

Chris Harvey Elections Director, Georgia Secretary of State

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From: Harvey, Chris <wharvey@sos.ga.gov>
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Harvey, Chris

Subject: Instructions on not transferring voters



Cc:

If your county is <u>not</u> conducting a federal runoff election on July 24, 2018 (and the only five counties which *are* consist of Cobb, DeKalb, Forsyth, Fulton, and Gwinnett) you should NOT transfer voters between now and the runoff election.

These above-listed five counties will be transferring voters into their counties until the federal voter registration deadline of June 25, 2018.

Counties that are not conducting a federal runoff may continue to process new applications (but not transfers).

If you are unsure about these directions, please contact your liaison.

As a reminder, the new voter registration deadline of June 25, 2018, applies only to federal runoff elections. This deadline only applies in counties with federal runoffs on the ballot. In all other counties except for Cobb, DeKalb, Forsyth, Fulton, and Gwinnett, a voter who registered after the April 24, 2018, state voter registration deadline will have to wait until the November general election to vote.

Chris Harvey
Elections Director, Georgia Secretary of State

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Harvey, Chris

Subject: New Election Update



Cc:

There is a new Election Update on Firefly under Official Communications detailing a change in the MIDR Process in ENET. Please call your liaison if you have any questions.

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Harvey, Chris

Subject: UOCAVA Ballot Transit Reports on Firefly



Cc:

There is an Election Update on Firefly describing how each county can complete their UOCAVA Ballot Transit Report. The reports are due to our office this coming Friday, April 13, 2-18.

Chris Harvey Elections Director, Georgia Secretary of State

404-657-5380 DIRECT 404-985-6351 MOBILE



From: Harvey, Chris <wharvey@sos.ga.gov>

Sent: Friday, April 6, 2018 3:19 PM

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Harvey, Chris

Subject: New Election Update



Cc:

There is a new Election Update on Firefly regarding last-minute details for the UOCAVA Deadline (tomorrow.)

If in doubt about a UOCAVA Ballot, you can always send a paper ballot tonight or tomorrow and meet the deadline.

Thanks for your attention to this most important matter.

Chris Harvey Elections Director, Georgia Secretary of State

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Sent:

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Harvey, Chris

Subject: UOCAVA Deadline and Paper Ballots-IMPORTANT INFORMATION



Cc:

Election Officials,

As you know, the UOCAVA ballot deadline is this Saturday, April 7, 2018.

All requested UOCAVA Ballots MUST be mailed to voters by this date.

Our office will send out the EBD (Electronic Ballot Delivery or email ballots) to voters that have requested EBD.

If anyone has questions about UOCAVA, please ask them in the next two days before the deadline.

This information is also on a new Election Update that has been posted to Firefly, and I am sending out a Buzz Post with the same information.

Below, I have provided instructions in the event that you have not yet gotten your paper ballots from the printer.

All UOCAVA ballots that were requested on or before the 45th day prior to an election with federal candidates on the ballot must be mailed by the 45th day. If the voter indicated on their absentee ballot application or Federal Postcard Application (FPCA) that their preferred ballot delivery method is a physically mailed ballot, the voters should receive an absentee ballot packet that includes the following items:

- Official absentee ballot
- Ballot envelope MIL-S-07-OPT
- Oath envelope MIL-M-US-07-OPT1
- Instructions for completing official absentee ballot ABI-OPTS-07
- Statewide Write-In Absentee Ballot (SWAB)
- Ballot envelope MIL-SWI-07-OPT
- Oath envelope MIL-M-US-07-OPT1 or MIL-M-US-OPT1-18
- Instructions for completing the SWAB SWAB-M-06

The Statewide Write-In Absentee Ballot (SWAB) can be found on Firefly under Official Communication> 2018 SWABs.

Every mailed ballot sent to a UOCAVA voter needs to include the SWAB.

The Secretary of State's office will place copies of the UOCAVA watermarked ballots in a folder titled "UOCAVA Ballots" on the SOS FTP server inside of the "2018-05-22 GenPrimary" folder for each county. In the event that you do not receive your official absentee ballots from your print vendor by Friday, 4/6/18, these watermarked ballots can be used to meet your legal requirement to send out ballots before the 45th day. Identify the correct ballot style for the voter, print out a copy of the UOCAVA watermarked ballot, and include this ballot in the place of the official absentee ballot in the UOCAVA absentee ballot packet. When these ballots are returned by the voters and received by the registrars, they will need to be duplicated onto official absentee ballots in the same manner as Electronic Ballot Deliver (EBD) ballots.

Be sure to update ENET with issued Mailed UPCAVA Ballots.

Chris Harvey
Elections Director, Georgia Secretary of State

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Tuesday, April 3, 2018 4:08 PM

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Harvey, Chris

New OEB on Firefly regarding Spanish-language voter registration applications



Cc:

Subject:

There is a new OEB on Firefly with guidelines for processing Spanish-language voter registration applications that Gwinnett County is required by federal law to provide to voters. These guidelines cover how these applications are to be processed if they are forwarded to any county other than Gwinnett.

Please feel free to contact our office if you have any questions on this matter.

Chris Harvey Elections Director, Georgia Secretary of State

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Cc:Harvey, ChrisSubject:New OEB regarding voter registration for federal runoff elections

There is a new Official Election Bulletin (OEB) on Firefly in the "Official Communications" section, "2018 OEBs."

This OEB is an update to the fact that there is now permanent consent order that requires that voter registration must be re-opened between federal elections and federal runoff elections in counties where federal runoffs are required.

Please review the OEB, and let our office know if you have questions.

We will give necessary details to any counties if they end up having to conduct a federal runoff election.

Chris Harvey
Elections Director, Georgia Secretary of State

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Harvey, Chris <wharvey@sos.ga.gov> Tuesday, February 13, 2018 1:20 PM

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Cc:Harvey, ChrisSubject:New Election Update on Firefly

I just posted a new Election Update on Firefly detailing the final implementation of HB 268 for voter registration. You can find the Election Update under "Official Communications."

Please contact your liaison if you have questions.

Chris Harvey Elections Director, Georgia Secretary of State

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To: Subject:

WPROBATE@HOTMAIL.COM; wsmallwood@spaldingcounty.com Cancelled Felons Update

Election and Registration Officials,

I want to bring you additional information on the Felons removed from your dashboards this week.

As I mentioned in the Buzz Post, we learned that there were some individuals on the list we received from the Department of Community Supervision last Friday that were under a modified sentence status of Conditional Discharge which is similar to that of a First Offender, and therefore should not have been identified as a felon serving a sentence for voter registration and voting purposes. It was our understanding that no one on the list we used had this designation.

We have identified the voters who were in that Conditional Discharge status and will have each of those voters (and only those voters) restored to whatever their status was before you cancelled them as a result of them being on your dashboards as apparent felons. This restoration will be completed this weekend before the polls open Monday morning for advanced voting.

Any other identified felon that appeared on your dashboard that was cancelled will remain cancelled.

If you took no action on felons before we pulled the list back, you need not do anything.

We will provide to each county, a list of all the Conditional Discharge voters who were cancelled and restored.

The county liaisons are currently checking with the counties who cancelled these Conditional Discharge voters to find out which counties sent mail to these cancelled voters.

We will need to make arrangements with counties that need to send new notices to these cancelled and restored Conditional Discharge voters to let them know their voter registrations have been restored.

We are working with the Department of Community Supervision to make sure that the lists they send us meet all of our requirements before we place another list in ENET.

I will keep you updated as this process continues.

Chris Harvey
Elections Director, Georgia Secretary of State

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